

**UNOFFICIAL VERSION**

*This is a draft version of the Senate Journal and is UNOFFICIAL until formal adoption.*

**WEDNESDAY, APRIL 25, 2012**

**SEVENTY-SEVENTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 8:30 a.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Rabbi Ken Alpren of Kol Dodi Messianic Temple in Nashville, Tennessee, a guest of Senator Herron.

**PLEDGE OF ALLEGIANCE**

Senator Herron led the Senate in the Pledge of Allegiance to the Flag.

**PRESENTATION**

Senator Tracy introduced Mr. Charlie Daniels who sang the *National Anthem*.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

**PRESENTATION**

Senator Tracy presented **Senate Joint Resolution No. 630** to Mr. Charlie Daniels.

**MOTION**

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 1013, 1075, 2566, 2641, 2776 and 3208** be passed on first consideration, which motion prevailed.

**HOUSE BILLS ON FIRST CONSIDERATION**

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 1013** -- Regional Authorities and Special Districts -- As introduced, terminates the Four Lake regional industrial development authority, June 30, 2011. Amends TCA Title 4, Chapter 29, Part 2 and Title 64, Chapter 5, Part 2.

**House Bill No. 1075** -- County Government -- As introduced, authorizes creation of design review commissions by county legislative bodies. Amends TCA Title 5, Chapter 1, Part 1.

**House Bill No. 2566** -- Education -- As introduced, changes from September 30 to July 31 the date by which children must reach age four in order to enter pre-K or age five to enter kindergarten; permits a child to enter kindergarten at age four, if the parent requests entrance and the child is sufficiently mature. Amends TCA Title 49, Chapter 6.

**House Bill No. 2641** -- Criminal Offenses -- As introduced, limits the offense of harassment by display of an image to cases in which the defendant intends the image to intimidate the victim, the victim is likely to see the image, a reasonable person is intimidated by the image and the victim is actually intimidated. Amends TCA Title 39 and Title 49.

**House Bill No. 2776** -- Wildlife Resources Commission -- As introduced, rewrites provisions governing board for the conservation of game, fish and wildlife; replaces Wildlife Resources Commission with Wildlife Conservation Commission. Amends TCA Title 4; Title 11; Title 43; Title 44; Title 67; Title 69 and Title 70.

**House Bill No. 3208** -- Fairs -- As introduced, authorizes the Commissioner of Agriculture to appoint a State Fair Advisory Commission to develop criteria and other standards for the Tennessee State Fair. Amends TCA Title 4; Title 5; Title 12; Title 43 and Title 67.

#### MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 899 through 906, 908 and 909**; and **Senate Resolutions Nos. 127 through 133** be passed on first consideration and lie over, which motion prevailed.

#### INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 899** by Senator McNally.  
Memorials, Interns -- Garrett Louis Montague.

**Senate Joint Resolution No. 900** by Senator Barnes.  
Memorials, Retirement -- Jeff Jordan.

**Senate Joint Resolution No. 901** by Senator Barnes.  
Memorials, Interns -- James Austin Palasek North.

**Senate Joint Resolution No. 902** by Senator Herron.  
Memorials, Recognition -- Lynn Gibson, Tennessee Governor of Pilot International.

**Senate Joint Resolution No. 903** by Senator Berke.  
Memorials, Interns -- Nicollette N. Davis.

**Senate Joint Resolution No. 904** by Senator Henry.  
General Assembly, Statement of Intent or Position -- Urges any state fair to be held where the seat of government is located.

**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

**Senate Joint Resolution No. 905** by Senator Ford.

Memorials, Interns -- Rodriquez Wright II.

**Senate Joint Resolution No. 906** by Senator Campfield.

Memorials, Interns -- Benjamin Hadden.

**Senate Joint Resolution No. 908** by Senator Kyle.

Memorials, Death -- Hunter Lane, Jr.

**Senate Joint Resolution No. 909** by Senators Bell and Haynes.

Memorials, Retirement -- Theda Bramlett.

**Senate Resolution No. 127** by Senators Watson and Berke.

Memorials, Academic Achievement -- Jessica L. Keane, Valedictorian, Signal Mountain High School.

**Senate Resolution No. 128** by Senator Gresham.

Memorials, Interns -- Jessica Eloise Terry.

**Senate Resolution No. 129** by Senator Marrero.

Memorials, Interns -- Kyle Luebke.

**Senate Resolution No. 130** by Senator Watson.

Memorials, Academic Achievement -- Catherine Morgan Davis, Salutatorian, Ooltewah High School.

**Senate Resolution No. 131** by Senator Watson.

Memorials, Academic Achievement -- Ajay Dharmen Makwana, Valedictorian, Ooltewah High School.

**Senate Resolution No. 132** by Senator Faulk.

Memorials, Interns -- Blake Eakes.

**Senate Resolution No. 133** by Senators Henry and Haynes.

General Assembly, Statement of Intent or Position -- Urges any state fair to be held where the seat of government is located.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 871, 873 through 877, 879 through 885 and 887 through 898**; and **Senate Resolutions Nos. 123 through 126** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

**RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**Senate Joint Resolution No. 871** -- Memorials, Death -- Dr. Johnny Bates.

The Speaker announced that he had referred Senate Joint Resolution No. 871 to the Committee on Calendar.

**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

**Senate Joint Resolution No. 873** -- Memorials, Recognition -- Commemorates dedication of Heritage Peace Garden on grounds of Pickett Chapel in Lebanon.

The Speaker announced that he had referred Senate Joint Resolution No. 873 to the Committee on Calendar.

**Senate Joint Resolution No. 874** -- Memorials, Professional Achievement -- Debra Martin, Wilson County Teacher of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 874 to the Committee on Calendar.

**Senate Joint Resolution No. 875** -- Memorials, Academic Achievement -- Nick Friddell, Salutatorian, Heritage Christian Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 875 to the Committee on Calendar.

**Senate Joint Resolution No. 876** -- Memorials, Academic Achievement -- Mitchell White, Valedictorian, Heritage Christian Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 876 to the Committee on Calendar.

**Senate Joint Resolution No. 877** -- Memorials, Interns -- Randi Perry.

The Speaker announced that he had referred Senate Joint Resolution No. 877 to the Committee on Calendar.

**Senate Joint Resolution No. 879** -- Memorials, Sports -- Dresden High School football team, 2011 Division I Class 2A Finalists.

The Speaker announced that he had referred Senate Joint Resolution No. 879 to the Committee on Calendar.

**Senate Joint Resolution No. 880** -- Memorials, Death -- Jeremy Ryan Hill.

The Speaker announced that he had referred Senate Joint Resolution No. 880 to the Committee on Calendar.

**Senate Joint Resolution No. 881** -- Memorials, Death -- Lola Mae Blurton.

The Speaker announced that he had referred Senate Joint Resolution No. 881 to the Committee on Calendar.

**Senate Joint Resolution No. 882** -- Memorials, Death -- Teresa Ann Holman Layne.

The Speaker announced that he had referred Senate Joint Resolution No. 882 to the Committee on Calendar.

**Senate Joint Resolution No. 883** -- Memorials, Death -- Dwayne Hill.

**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

The Speaker announced that he had referred Senate Joint Resolution No. 883 to the Committee on Calendar.

**Senate Joint Resolution No. 884** -- Memorials, Recognition -- Liberty High School Air Force Junior Reserve Officers Training Corps Program.

The Speaker announced that he had referred Senate Joint Resolution No. 884 to the Committee on Calendar.

**Senate Joint Resolution No. 885** -- Memorials, Recognition -- Tennessee State University, Centennial Celebration.

The Speaker announced that he had referred Senate Joint Resolution No. 885 to the Committee on Calendar.

**Senate Joint Resolution No. 887** -- Memorials, Interns -- Allison Otting.

The Speaker announced that he had referred Senate Joint Resolution No. 887 to the Committee on Calendar.

**Senate Joint Resolution No. 888** -- Memorials, Recognition -- Deliverance Outreach Temple Church, 20th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 888 to the Committee on Calendar.

**Senate Joint Resolution No. 889** -- Memorials, Death -- Dr. Jaime Virata Mangubat.

The Speaker announced that he had referred Senate Joint Resolution No. 889 to the Committee on Calendar.

**Senate Joint Resolution No. 890** -- Memorials, Academic Achievement -- SharDarius L. Gatlin, 2012 Stan and Thelma Plumlee Scholarship.

The Speaker announced that he had referred Senate Joint Resolution No. 890 to the Committee on Calendar.

**Senate Joint Resolution No. 891** -- Memorials, Recognition -- Appalachian Ballet Company, 40th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 891 to the Committee on Calendar.

**Senate Joint Resolution No. 892** -- Memorials, Interns -- Morgan Kinney.

The Speaker announced that he had referred Senate Joint Resolution No. 892 to the Committee on Calendar.

**Senate Joint Resolution No. 893** -- Naming and Designating -- Designates the Cumberland Ballroom of the DoubleTree Nashville Hotel the Honorary State Capitol for the 43rd General Assembly of the Tennessee Intercollegiate State Legislature.

**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

The Speaker announced that he had referred Senate Joint Resolution No. 893 to the Committee on Calendar.

**Senate Joint Resolution No. 894** -- Memorials, Recognition -- Historic Shorter Chapel African Methodist Episcopal Church, 144th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 894 to the Committee on Calendar.

**Senate Joint Resolution No. 895** -- Memorials, Public Service -- Dr. Dale Lynch, Director of Schools, Hamblen County.

The Speaker announced that he had referred Senate Joint Resolution No. 895 to the Committee on Calendar.

**Senate Joint Resolution No. 896** -- Memorials, Interns -- Jennifer Kay Pinho.

The Speaker announced that he had referred Senate Joint Resolution No. 896 to the Committee on Calendar.

**Senate Joint Resolution No. 897** -- Memorials, Recognition -- Pat Summitt, Presidential Medal of Freedom.

The Speaker announced that he had referred Senate Joint Resolution No. 897 to the Committee on Calendar.

**Senate Joint Resolution No. 898** -- General Assembly, Statement of Intent or Position -- Commends President Obama for selecting Pat Summitt as recipient of Presidential Medal of Freedom.

The Speaker announced that he had referred Senate Joint Resolution No. 898 to the Committee on Calendar.

**Senate Resolution No. 123** -- Memorials, Interns -- Samantha Meyer.

The Speaker announced that he had referred Senate Resolution No. 123 to the Committee on Calendar.

**Senate Resolution No. 124** -- Memorials, Recognition -- African Methodist Episcopal Church, 49th Quadrennial Session of the General Conference.

The Speaker announced that he had referred Senate Resolution No. 124 to the Committee on Calendar.

**Senate Resolution No. 125** -- Memorials, Interns -- Daniel Tillman.

The Speaker announced that he had referred Senate Resolution No. 125 to the Committee on Calendar.

**Senate Resolution No. 126** -- Memorials, Academic Achievement -- Adam Joseph Stark, Salutatorian, Signal Mountain High School.

The Speaker announced that he had referred Senate Resolution No. 126 to the Committee on Calendar.

**NOTICE**

**MESSAGE FROM THE HOUSE**

April 24, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3223, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**CALENDAR NO. 1**

**Senate Bill No. 2893** -- Education -- As introduced, establishes a four-year parental involvement pilot program in the achievement school district. Amends TCA Title 49.

On motion, Senate Bill No. 2893 was made to conform with **House Bill No. 2994**.

On motion, House Bill No. 2994, on same subject, was substituted for Senate Bill No. 2893.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 70, is amended by adding the following language as new sections:

49-6-7004. The Department of Education shall establish in the school system with the most schools in the achievement school district (ASD) a four-year pilot program to increase parent involvement in schools as set forth in §§ 49-6-7005 – 49-6-7007. The pilot program shall begin with the 2012-2013 school year and shall be limited to schools operated by the ASD that serve grades K-3 or any combination thereof. The office of research and education accountability shall study the ASD.

49-6-7005. As used in §§ 49-6-7004 – 49-6-7007, unless the context requires otherwise, "parent":

(1) Means a parent whose parental rights have not been terminated, or a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of a child; and

(2) Does not mean a guardian ad litem or the state; and

49-6-7006. Any current information packets, forms, videos or other means used for sharing information with a parent by a school in the achievement school district that is in the pilot program under § 49-6-7004 shall include the following information:

(1) Expectations of parents concerning their responses to requests for meetings and communications from the school or teachers;

(2) Expectations of parents concerning their children's academic work, including time set aside for daily homework and reading, nightly checks of homework completion and preparation for tests, early preparation of assigned school projects, signatures on required forms, and checks of the contents of their children's school backpacks;

(3) Expectations of parents concerning their children's physical readiness for school, including provision for adequate night-time sleep, necessary school supplies, meals, and immunizations and medical care; provided, that necessary school supplies may be obtained through various organizations and meals may be obtained through the school's free or reduced-priced meal program if certain qualifications are met; and

(4) Expectations of parents concerning their children's school attendance.

49-6-7007.

(a) Schools in the pilot project shall issue to parents whose children are in grades kindergarten through three (K-3) blank parent involvement report cards, when the children are given their report cards.

(b) Each parent whose child is in the pilot project shall self-evaluate the parent's involvement in the child's education and assign to himself or herself a grade of excellent, satisfactory, needs improvement or unsatisfactory on each of the following:

(1) The parent's response to requests by the school or the child's teachers for meetings or communication;

(2) The parent's efforts in ensuring that the child completed homework assignments, was prepared for tests and otherwise was academically ready to learn;

(3) The parent's efforts in ensuring the child's physical preparation for school; and

(4) The parent's efforts in ensuring the child was on time for school and was absent only when excused.

(c) The report card shall also contain space in which the parent can report in writing on other efforts by the parent to be involved in the parent's child's education and to express the means by which the parent intends to



address areas that the parent has evaluated as less than satisfactory or to ask for help in improving the parent's involvement.

(d) The achievement school district and the schools in the pilot project shall create appropriate incentives to encourage parents to self-evaluate and return the parent involvement report cards to the schools.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Kelsey moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting the language "; and" at the end of subdivision (2) of 49-6-7005 in Section 1 and by substituting instead the punctuation ".".

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes . . . . .	26
Noes . . . . .	0
Present, not voting . . .	3

Senators voting aye were: Barnes, Beavers, Bell, Berke, Campfield, Crowe, Faulk, Gresham, Haynes, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--26.

Senators present and not voting were: Finney, Ford and Kyle--3.

Thereupon, **House Bill No. 2994**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	27
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Campfield, Crowe, Faulk, Gresham, Haynes, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey --27.

A motion to reconsider was tabled.

**Senate Bill No. 2638** -- Civil Procedure -- As introduced, removes judicial discretion to apportion costs and permits recovery of certain litigation costs by the successful party on motions to dismiss. Amends TCA Title 20; Title 25; Title 27 and Title 29, as amended.

Senator Berke declared Rule 13 on **Senate Bill No. 2638**, as amended.

Senator Barnes declared Rule 13 on **Senate Bill No. 2638**, as amended.

**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

On motion, Senate Bill No. 2638, as amended, was made to conform with **House Bill No. 3124**.

On motion, House Bill No. 3124, on same subject, was substituted for Senate Bill No. 2638, as amended.

Senator Johnson moved that **House Bill No. 3124** be moved three places down on Calendar No. 1 for today, which motion prevailed.

**House Bill No. 2982** -- Judgments -- As introduced, changes the standard interest rate on judgments from 10 percent to the federal reserve weekly average prime loan rate, so long as such rate does not exceed 10 percent. Amends TCA Title 47, as amended.

Senator Kelsey declared Rule 13 on **House Bill No. 2982**.

Thereupon, **House Bill No. 2982**, as amended, passed its third and final consideration by the following vote:

Ayes .....	18
Noes .....	13

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--18.

Senators voting no were: Barnes, Berke, Burks, Faulk, Finney, Ford, Haynes, Herron, Kyle, Marrero, Overbey, Stewart and Tate--13.

A motion to reconsider was tabled.

**Senate Bill No. 1038** -- Alcoholic Beverages -- As introduced, revises residency requirements to obtain a retailer's license from being a resident for one instead of two years preceding the issuance of the license or for at least five instead of 10 consecutive years; removes these requirements if the next of kin takes over the license following the death of a retail license holder. Amends TCA Title 57.

On motion, Senate Bill No. 1038 was made to conform with **House Bill No. 1171**.

On motion, House Bill No. 1171, on same subject, was substituted for Senate Bill No. 1038.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

On motion of Senator Yager, Amendment No. 2 was withdrawn.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 57-4-102(14), is amended by adding the following language as a new, appropriately designated subdivision:

( ) "Convention center" also means a facility possessing each of the following characteristics:

- (i) Is owned by a quasi-governmental development agency;
- (ii) Is designed and used for the purposes of attracting conventions, business travelers and tourists to the area and is vital in promoting economic development, fostering community activities, providing training and seminar space for business and industries and in encouraging tourism;
- (iii) Is available for community, industry and private events;
- (iv) Is the only one of its kind in the area;
- (v) Has a seating capacity of approximately three hundred (300) and is fully equipped with tables, chairs, linens, dishware and a catering kitchen;
- (vi) Occupies an area of approximately eighty-five hundred square feet (8,500) on acreage surrounding Tellico Lake; and
- (vii) Is located in any county having a population of not less than forty-four thousand five hundred (44,500) nor more than forty-four thousand six hundred (44,600) according to the 2010 federal census or any subsequent federal census.

SECTION \_\_\_\_ Tennessee Code Annotated, Section 57-4-102(26), is amended by deleting subdivision (EE) in its entirety.

On motion, Amendment No. 3 was adopted.

Thereupon, **House Bill No. 1171**, as amended, passed its third and final consideration by the following vote:

Ayes .....	25
Noes .....	4

Senators voting aye were: Barnes, Beavers, Berke, Crowe, Faulk, Finney, Ford, Gresham, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Summerville, Tate, Watson, Yager and Mr. Speaker Ramsey--25.

Senators voting no were: Bell, Burks, Campfield and Southerland--4.

A motion to reconsider was tabled.

**Senate Bill No. 1452** -- Taxes, Hotel Motel -- As introduced, decreases from 5% to 4% the hotel occupancy tax. Amends TCA Title 7 and Title 67.

Senator Overbey declared Rule 13 on **Senate Bill No. 1452**.

On motion, Senate Bill No. 1452 was made to conform with **House Bill No. 1959**.

**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

On motion, House Bill No. 1959, on same subject, was substituted for Senate Bill No. 1452.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

On motion of Senator McNally, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 1959** passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**MOTION**

Senator Johnson moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 911**, out of order, which motion prevailed.

**INTRODUCTION OF RESOLUTION**

**Senate Joint Resolution No. 911** by Senator Johnson.  
Memorials, Retirement -- Susan Cooper, Commissioner of the Department of Health.

On motion of Senator Johnson, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 911** was adopted.

A motion to reconsider was tabled.

**PRESENTATION**

Senator Johnson presented **Senate Joint Resolution No. 911** to Ms. Susan Cooper.

**CALENDAR NO. 1**

**FURTHER ACTION ON HOUSE BILL NO. 3124**

Senator Johnson moved that **House Bill No. 3124** be moved four places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 1493** -- Alcoholic Beverage Commission -- As introduced, removes annual compensation for members of the commission; allows commission to assess costs for administrative hearings. Amends TCA Title 57.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 1 and Section 2 of the bill and by redesignating subsequent sections accordingly.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1493**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	30
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senator Beavers moved that **Senate Bill No. 1715** be moved five places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 1738** -- Tobacco, Tobacco Products -- As introduced, deletes the requirement that the Commissioner of Revenue disclose information to the attorney general relevant to enforcement of the "Tobacco Manufacturers' Escrow Fund Act of 1999"; removes authority for attorney general to disclose such information in the course of litigation. Amends TCA Title 39; Title 43 and Title 67.

Senator Johnson declared Rule 13 on **Senate Bill No. 1738**.

Senator Norris declared Rule 13 on **Senate Bill No. 1738**.

Senator Berke declared Rule 13 on **Senate Bill No. 1738**.

Senator McNally moved that Amendment No. 1 be placed at the heel of the Amendments, which motion prevailed.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-1001(2), is amended by adding the following language at the end of the subdivision:

. "Cigarette" includes any cigarette produced by a cigarette rolling machine at a retail establishment;

SECTION 2. Tennessee Code Annotated, Section 67-4-1001, is amended by adding the following language as new, appropriately designated subdivisions:

( ) "Cigarette rolling machine" means a machine at a retail establishment that enables any person to process at that establishment tobacco or any product that is made or derived from tobacco into a roll or tube. "Cigarette rolling machine" does not mean any hand-held, manually operated cigarette rolling machine, equipment, or device, if such machine, equipment, or device is held by the retail establishment solely for the sale to consumers for off-premises use in making cigarettes for personal consumption;

( ) "Cigarette rolling machine operator" means a person that purchases or leases for use, or controls, possesses or maintains, a cigarette rolling machine at a retail establishment that enables any person to process at that establishment tobacco or any product that is made or derived from tobacco into a roll or tube. A cigarette rolling machine operator is deemed to be a tobacco distributor for purposes of this part;

( ) "Loose tobacco" means tobacco that is not contained in rolls or tubes and that has been removed from its original packaging;

SECTION 3. Tennessee Code Annotated, Section 67-4-1006(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) The tax imposed by this part shall be paid by the purchase of stamps from the commissioner of such design or denomination as may be prescribed by the commissioner, except that reconciliation payments of taxes on cigarettes made by cigarette rolling machine operators shall be paid in the time and manner prescribed by § 67-4-1031.

SECTION 4. Tennessee Code Annotated, Section 67-4-1011, is amended by adding the following language as a new, appropriately designated subsection:

( ) A cigarette rolling machine operator must keep records both of tobacco sold for use in the operator's cigarette rolling machine and of any cigarettes made from such tobacco through use of the cigarette rolling machine.

SECTION 5. Tennessee Code Annotated, Section 67-4-1012(a), is amended by adding the following language at the end of the subsection:

Every cigarette rolling machine operator shall permit the commissioner or the commissioner's authorized agent to inspect the operator's cigarette rolling machine at any time.

SECTION 6. Tennessee Code Annotated, Section 67-4-1015(c)(1), is amended by adding the following language as a new, appropriately designated subdivision:

( ) Cigarette rolling machine operator — Five hundred dollars (\$500) for each cigarette rolling machine purchased or leased for use, or controlled, possessed or maintained by the cigarette machine operator;

SECTION 7. Tennessee Code Annotated, Title 67, Chapter 4, Part 10, is amended by adding the following language as a new section:

67-4-1031. Reconciliation of tax on cigarettes produced by cigarette rolling machines.

A tax shall be levied on the consumer of cigarettes produced through the use of a cigarette rolling machine at the rate imposed by § 67-4-1004, except that § 67-4-1004(b) shall not apply to such cigarettes. Such tax shall be reduced by the amount of state excise tax paid by the cigarette rolling machine operator pursuant to § 67-4-1005 for the purchase of tobacco products used to produce such cigarettes. A cigarette rolling machine operator shall calculate the amount of tax applicable to the cigarettes produced through the use of a cigarette rolling machine and shall remit such amount to the department with the requisite tax forms.

SECTION 8. Tennessee Code Annotated, Title 67, Chapter 4, Part 10, is amended by inserting the following language as new sections:

67-4-1032. Cigarette rolling machine operators.

(a) On and after January 1, 2014, no cigarette rolling machine operator shall:

(1) Use, offer for use, or allow to be used in its cigarette rolling machines any tobacco other than roll-your-own tobacco that is currently listed on the directory maintained by the commissioner pursuant to § 67-4-2602;

(2) Possess any loose tobacco other than roll-your-own tobacco that is currently listed on the directory maintained by the commissioner pursuant to § 67-4-2602;

(3) Possess more than sixteen (16) ounces per cigarette rolling machine of loose tobacco of any brand within a directory-approved roll-your-own brand family at any given time; or

(4) Accept or allow the operator's cigarette rolling machine to be used to process cigarettes with tobacco that was not first purchased or obtained from the cigarette rolling machine operator.

(b)(1) Any cigarette rolling machine purchased or leased for use, or controlled, possessed or maintained by a cigarette rolling machine operator must contain a secure meter that:

(A) Counts the number of cigarettes made, manufactured, or fabricated by the machine; and

(B) Cannot be altered by the cigarette rolling machine operator.

(2) Upon request by the commissioner, a cigarette rolling machine operator shall provide the information contained on the secure meter. The cigarette rolling machine operator shall maintain the information contained on the secure meter for a period of seven (7) years from the date of each transaction.

(c) In addition to or in lieu of any other civil or criminal remedy provided by law:

(1) The commissioner may revoke or suspend a license issued to a cigarette rolling machine operator under this part if the cigarette rolling machine operator has violated this section, or any rule adopted pursuant to this section, as provided by § 67-4-1016 and in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5; and

(2) For each violation of this section, or any rule adopted pursuant to this section, the commissioner may impose a civil penalty in an amount not to exceed the greater of five hundred percent (500%) of the retail value of the tobacco that is sold, offered for sale, or possessed for sale in violation of this section or five thousand dollars (\$5,000). Such penalty shall be imposed in the manner provided by § 67-4-1015 and in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(d) Any tobacco that has been sold, offered for sale, or possessed for sale by the cigarette rolling machine operator in violation of this section shall be deemed contraband and is subject to seizure and forfeiture by the commissioner as provided in § 67-4-1020 and § 67-4-1021.

(e) In lieu of the reporting requirements contained in § 67-4-2604(a), the commissioner may require, upon request, a cigarette rolling machine operator to submit any additional information as is necessary to enable the commissioner to determine whether a cigarette rolling machine operator is in compliance with this part.

67-4-1033.

(a) Prior to January 1, 2014, it is an offense for any person selling, leasing, or otherwise providing for use a cigarette rolling machine to fail to provide notice prior to the sale of the machine to the prospective purchaser, lessor, or user of such machine on a separate, written disclosure form the current status of the federal excise tax rate on roll your own tobacco and pipe tobacco and that, on and after January 1, 2014, pursuant to the provisions of this act:

(1) The cigarettes produced by the machine will be taxed as provided in this act; and

(2) Only tobacco included on the directory established pursuant to § 67-4-2602 will be permitted to be used in such machine.

(b) The department shall require an applicant for a cigarette rolling machine operator license under 67-4-1015(c)(1) to disclose whether the applicant received the notice required by subsection (a).



(c) A violation of subsection (a) is a Class A misdemeanor punishable by a fine only. Each failure to provide notice shall constitute a separate violation.

SECTION 9. This act shall take effect July 1, 2012, the public welfare requiring it, provided, however, that Section 3 and Section 7 shall take effect January 1, 2014, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Senator Ketron moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-1001(2), is amended by adding the following language at the end of the subdivision:

. "Cigarette" includes any cigarette produced by a cigarette rolling machine at a retail establishment;

SECTION 2. Tennessee Code Annotated, Section 67-4-1001, is amended by adding the following language as new, appropriately designated subdivisions:

( ) "Cigarette rolling machine" means a machine at a retail establishment that enables any person to process at that establishment tobacco or any product that is made or derived from tobacco into a roll or tube. "Cigarette rolling machine" does not mean any hand-held, manually operated cigarette rolling machine, equipment, or device, if such machine, equipment, or device is held by the retail establishment solely for the sale to consumers for off-premises use in making cigarettes for personal consumption;

( ) "Cigarette rolling machine operator" means a person that purchases or leases for use, or controls, possesses or maintains, a cigarette rolling machine at a retail establishment that enables any person to process at that establishment tobacco or any product that is made or derived from tobacco into a roll or tube. A cigarette rolling machine operator is deemed to be a tobacco distributor for purposes of this part;

( ) "Loose tobacco" means tobacco that is not contained in rolls or tubes and that has been removed from its original packaging;

SECTION 3. Tennessee Code Annotated, Section 67-4-1006(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) The tax imposed by this part shall be paid by the purchase of stamps from the commissioner of such design or denomination as may be prescribed by the commissioner, except that reconciliation payments of taxes on cigarettes made by

cigarette rolling machine operators shall be paid in the time and manner prescribed by § 67-4-1031.

SECTION 4. Tennessee Code Annotated, Section 67-4-1011, is amended by adding the following language as a new, appropriately designated subsection:

( ) A cigarette rolling machine operator must keep records both of tobacco sold for use in the operator's cigarette rolling machine and of any cigarettes made from such tobacco through use of the cigarette rolling machine.

SECTION 5. Tennessee Code Annotated, Section 67-4-1012(a), is amended by adding the following language at the end of the subsection:

Every cigarette rolling machine operator shall permit the commissioner or the commissioner's authorized agent to inspect the operator's cigarette rolling machine at any time.

SECTION 6. Tennessee Code Annotated, Section 67-4-1015(c)(1), is amended by adding the following language as a new, appropriately designated subdivision:

( ) Cigarette rolling machine operator — Five hundred dollars (\$500) for each cigarette rolling machine purchased or leased for use, or controlled, possessed or maintained by the cigarette machine operator;

SECTION 7. Tennessee Code Annotated, Title 67, Chapter 4, Part 10, is amended by adding the following language as a new section:

67-4-1031. Reconciliation of tax on cigarettes produced by cigarette rolling machines.

A tax shall be levied on the consumer of cigarettes produced through the use of a cigarette rolling machine at the rate imposed by § 67-4-1004, except that § 67-4-1004(b) shall not apply to such cigarettes. Such tax shall be reduced by the amount of state excise tax paid by the cigarette rolling machine operator pursuant to § 67-4-1005 for the purchase of tobacco products used to produce such cigarettes. A cigarette rolling machine operator shall calculate the amount of tax applicable to the cigarettes produced through the use of a cigarette rolling machine and shall remit such amount to the department with the requisite tax forms.

SECTION 8. Tennessee Code Annotated, Title 67, Chapter 4, Part 10, is amended by inserting the following language as new sections:

67-4-1032. Cigarette rolling machine operators.

(a) On and after January 1, 2013, no cigarette rolling machine operator shall:

(1) Use, offer for use, or allow to be used in its cigarette rolling machines any tobacco other than roll-your-own tobacco that is

currently listed on the directory maintained by the commissioner pursuant to § 67-4-2602;

(2) Possess any loose tobacco other than roll-your-own tobacco that is currently listed on the directory maintained by the commissioner pursuant to § 67-4-2602;

(3) Possess more than sixteen (16) ounces per cigarette rolling machine of loose tobacco of any brand within a directory-approved roll-your-own brand family at any given time; or

(4) Accept or allow the operator's cigarette rolling machine to be used to process cigarettes with tobacco that was not first purchased or obtained from the cigarette rolling machine operator.

(b)(1) Any cigarette rolling machine purchased or leased for use, or controlled, possessed or maintained by a cigarette rolling machine operator must contain a secure meter that:

(A) Counts the number of cigarettes made, manufactured, or fabricated by the machine; and

(B) Cannot be altered by the cigarette rolling machine operator.

(2) Upon request by the commissioner, a cigarette rolling machine operator shall provide the information contained on the secure meter. The cigarette rolling machine operator shall maintain the information contained on the secure meter for a period of seven (7) years from the date of each transaction.

(c) In addition to or in lieu of any other civil or criminal remedy provided by law:

(1) The commissioner may revoke or suspend a license issued to a cigarette rolling machine operator under this part if the cigarette rolling machine operator has violated this section, or any rule adopted pursuant to this section, as provided by § 67-4-1016 and in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5; and

(2) For each violation of this section, or any rule adopted pursuant to this section, the commissioner may impose a civil penalty in an amount not to exceed the greater of five hundred percent (500%) of the retail value of the tobacco that is sold, offered for sale, or possessed for sale in violation of this section or five thousand dollars (\$5,000). Such penalty shall be imposed in the manner provided by § 67-4-1015 and in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(d) Any tobacco that has been sold, offered for sale, or possessed for sale by the cigarette rolling machine operator in violation of this section shall be deemed contraband and is subject to seizure and forfeiture by the commissioner as provided in § 67-4-1020 and § 67-4-1021.

(e) In lieu of the reporting requirements contained in § 67-4-2604(a), the commissioner may require, upon request, a cigarette rolling machine operator to submit any additional information as is necessary to enable the commissioner to determine whether a cigarette rolling machine operator is in compliance with this part.

67-4-1033.

(a) Prior to January 1, 2013, it is an offense for any person selling, leasing, or otherwise providing for use a cigarette rolling machine to fail to provide notice prior to the sale of the machine to the prospective purchaser, lessor, or user of such machine on a separate, written disclosure form the current status of the federal excise tax rate on tobacco products, including, but not limited to, pipe tobacco, and that, on and after January 1, 2013, pursuant to the provisions of this act:

(1) The products produced by the machine:

(A) Will be cigarettes for the purposes of Title 67, Chapter 4, Part 10; and

(B) Will be taxed as provided in this act; and

(2) Only tobacco included on the directory established pursuant to § 67-4-2602 will be permitted to be used in such machine.

(b) The department shall require an applicant for a cigarette rolling machine operator license under 67-4-1015(c)(1) to disclose whether the applicant received the notice required by subsection (a).

(c) A violation of subsection (a) is a Class A misdemeanor punishable by a fine only. Each failure to provide notice shall constitute a separate violation.

SECTION 9. This act shall take effect July 1, 2012, the public welfare requiring it, provided, however, that Section 3 and Section 7 shall take effect January 1, 2013, the public welfare requiring it.

Senator Johnson moved that **Senate Bill No. 1738**, as amended, be moved four places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 1935** -- Physicians and Surgeons -- As introduced, establishes requirements for the supervision of nurses and physician assistants by certain physicians when engaged in interventional pain management. Amends TCA Title 63.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the effective date section and by substituting instead the following:

SECTION 6. This act shall take effect July 1, 2013, the public welfare requiring it.

AND FURTHER AMEND by deleting the language "sympathetic nerves or block of major peripheral nerves" in the first sentence of subsection (f) in the amendatory language of Section 1 and by substituting instead the language "sympathetic nerves of the spine or block of major peripheral nerves of the spine".

AND FURTHER AMEND by deleting the last sentence of subsection (f) in the amendatory language of Section 1 and by substituting instead the following:

This subsection (f) shall not apply to an advanced practice nurse performing major joint injections except sacroiliac injections, or to performing soft tissue injections or epidurals for surgical anesthesia or labor analgesia in unlicensed settings.

AND FURTHER AMEND by deleting the language "sympathetic nerves or block of major peripheral nerves" in the first sentence of subdivision (5) in the amendatory language of Section 3 and by substituting instead the language "sympathetic nerves of the spine or block of major peripheral nerves of the spine".

AND FURTHER AMEND by deleting the last sentence of subdivision (5) in the amendatory language of Section 3 and by substituting instead the following:

This subdivision (5) shall not apply to a physician assistant performing major joint injections except sacroiliac injections, or to performing soft tissue injections or epidurals for surgical anesthesia or labor analgesia in unlicensed settings.

AND FURTHER AMEND by deleting subdivision (a)(1) of the amendatory language of Section 4 of the printed bill in its entirety and substituting the following:

(1) Board certified through the American Board of Medical Specialties (ABMS) in one of the following medical specialties:

(A) Anesthesiology;

(B) Neurological surgery;

(C) Orthopedic surgery;

(D) Physical medicine and rehabilitation;

(E) Radiology; or

(F) Any other board certified physician who has completed an ABMS subspecialty board in pain medicine or completed an ACGME-accredited pain fellowship;

AND FURTHER AMEND in subsection (a) of the amendatory language of Section 4 by deleting the period at the end of subdivision (3), substituting "; or" and adding new subdivisions (4) and (5) as follows:

(4) A licensee who serves as a clinical instructor in pain medicine at an accredited Tennessee medical training program; or

(5) A licensee who has an active pain management practice in a clinic accredited in outpatient interdisciplinary pain rehabilitation by the Commission on Accreditation of Rehabilitation Facilities or any successor organization.

AND FURTHER AMEND by deleting the language "sympathetic nerves or block of major peripheral nerves" in the first sentence of subsection (b) in the amendatory language of Section 4 and by substituting instead the language "sympathetic nerves of the spine or block of major peripheral nerves of the spine".

AND FURTHER AMEND by deleting subsection (a) of the amendatory language of Section 5 of the bill in its entirety and substituting the following:

(a) A physician licensed in this chapter may only practice interventional pain management if the licensee is either:

(1) Board certified through the American Osteopathic Association (AOA) or the American Board of Medical Specialties (ABMS) in one of the following medical specialties:

(A) Anesthesiology;

(B) Neuromusculoskeletal medicine;

(C) Orthopedic surgery;

(D) Physical medicine and rehabilitation;

(E) Radiology; or

(F) Any other board certified physician who has completed an AOA or ABMS subspecialty board in pain medicine or completed an AOA or ACGME-accredited pain fellowship;

(2) A recent graduate of a medical specialty listed in subdivision (a)(1) not yet eligible to apply for AOA specialty certification; provided, there is a practice relationship with an osteopathic physician who meets the requirements of subdivision (a)(1) or a physician who meets the requirements of § 63-6-241(a)(1);

(3) A licensee who is not board certified in one of the specialties listed in subdivision (a)(1) but is board certified in a different AOA or ABMS specialty and has completed a post-graduate training program in interventional pain management approved by the board;

(4) A licensee who serves as a clinical instructor in pain medicine at an accredited Tennessee medical training program; or

(5) A licensee who has an active pain management practice in a clinic accredited in outpatient interdisciplinary pain rehabilitation by the Commission on Accreditation of Rehabilitation Facilities or any successor organization.

AND FURTHER AMEND by deleting the language "sympathetic nerves or block of major peripheral nerves" in the first sentence of subsection (b) in the amendatory language of Section 5 and by substituting instead the language "sympathetic nerves of the spine or block of major peripheral nerves of the spine".

On motion, Amendment No. 1 was adopted.

Senator Campfield moved that Amendment No. 2 be placed at the heel of the Amendments, which motion prevailed.

Senator Bell moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting subsections (a) and (b) in Section 63-6-241 of the amendatory language of Section 4 in their entirety and by substituting instead the following new language:

(a) A physician licensed pursuant to this chapter may only practice interventional pain management if the licensee is either:

(1) Board certified through the American Board of Medical Specialties (ABMS) or the American Board of Physician Specialties (ABPS)/American Association of Physician Specialists (AAPS) in one of the following medical specialties:

(A) Anesthesiology;

(B) Neurological surgery;

(C) Orthopedic surgery;

(D) Physical medicine and rehabilitation; or

(E) Any other board certified physician who has completed an ABMS subspecialty board in pain medicine or completed an ACGME-accredited pain fellowship;

(2) A recent graduate in a medical specialty listed in (a)(1) not yet eligible to apply for ABMS or ABPS/AAPS board certification; provided, there is a practice relationship with a physician who meets the requirements of subdivision (a)(1) or an osteopathic physician who meets the requirements of § 63-9-119(a)(1); or

(3) A licensee who is not board certified in one of the specialties listed in subdivision (a)(1) but is board certified in a different ABMS or ABPS/AAPS specialty and has completed a post-graduate training program in interventional pain management approved by the board.

(b) For purposes of this section, interventional pain management is the practice of performing invasive procedures involving any portion of the spine, spinal cord, sympathetic nerves or block of major peripheral nerves in any setting not licensed under Title 68, Chapter 11.

AND FURTHER AMEND by deleting Section 63-9-119 of the amendatory language of Section 5 in its entirety and by substituting instead the following new language:

63-9-119.

(a) A physician licensed in this chapter may only practice interventional pain management if the licensee is either:

(1) Board certified through the American Osteopathic Association (AOA) or the American Board of Physician Specialties (ABPS)/American Association of Physician Specialists (AAPS) in one of the following medical specialties:

(A) Anesthesiology;

(B) Neuromusculoskeletal medicine;

(C) Orthopedic surgery;

(D) Physical medicine and rehabilitation; or

(E) Any other board certified physician who has completed an ABMS subspecialty board in pain medicine or completed an ACGME-accredited pain fellowship;

(2) A recent graduate of a medical specialty listed in subdivision (a)(1) not yet eligible to apply for AOA or ABPS/AAPS specialty certification; provided, there is a practice relationship with an osteopathic physician who meets the requirements of subdivision (a)(1) or a physician who meets the requirements of § 63-6-241(a)(1); or

(3) A licensee who is not board certified in one of the specialties listed in subdivision (a)(1) but is board certified in a different AOA or ABPS/AAPS specialty and has completed a post-graduate training program in interventional pain management approved by the board.

(b) For purposes of this section, interventional pain management is the practice of performing invasive procedures involving any portion of the spine, spinal cord, sympathetic nerves or block of major peripheral nerves in any setting not licensed under Title 68, Chapter 11.

(c) The board is authorized to define through rulemaking the scope and length of the practice relationship established in subdivision (a)(2).

(d) An osteopathic physician who provides direct supervision of an advanced practice nurse or a physician's assistant pursuant to § 63-7-126 or § 63-19-107 must meet the requirements set forth in subdivision (a)(1) or (a)(3).

(e) An osteopathic physician who violates this section is subject to disciplinary action by the board pursuant to § 63-9-111, including, but not limited to, civil penalties of up to one thousand dollars (\$1,000) for every day this section is violated.



**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

Pursuant to Rule 39(3), Amendment No. 3 was adopted by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey --29.

Senator McNally moved that **Senate Bill No. 1935**, as amended, be placed on the Calendar for Thursday, April 26, 2012, which motion prevailed.

**RECESS**

Senator Norris moved the Senate stand in recess until 2:00 p.m., which motion prevailed.

**CALL TO ORDER**

The Senate was called to order by Mr. Speaker Ramsey.

**ROLL CALL**

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

**STANDING COMMITTEE REPORT**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2066, 2349, 2368, 2371, 2438, 2560 with amendment, 2759, 2863, 3155, 3314, 3405 with amendment, 3762 with amendments, 3763 with amendment, 3769 and 3771 with amendments.

MCNALLY, Chairperson  
April 25, 2012

The Speaker announced that he had referred Senate Bills Nos. 2066, 2349, 2368, 2371, 2438, 2560 with amendment, 2759, 2863, 3155, 3314, 3405 with amendment, 3762 with amendments, 3763 with amendment, 3769 and 3771 with amendments to the Committee on Calendar.

**CALENDAR NO. 1**

**FURTHER ACTION ON HOUSE BILL NO. 3124**

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting Section 2 of the bill as amended and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 2012 and shall apply to causes of action arising on and after that date, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting Section 2 of the bill as amended and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 2012 and shall apply to causes of action filed on and after that date, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Senator Johnson moved that **House Bill No. 3124**, as amended, be moved two places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 2129** -- Employees, Employers -- As introduced, enacts the "Tennessee Works Act of 2012". Amends TCA Title 50, Chapter 7.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 7, is amended by adding the following language as a new, appropriately designated part:

50-7-801.

This part shall be known and may be cited as the "Tennessee Works Act of 2012".

50-7-802.

(a) There is hereby established the Tennessee Works Pilot program to provide job training designed to attract new businesses to the state and to assist in the expansion or retention of existing businesses in this state.

(b) The purpose of the Tennessee Works Pilot program is to:

(1) Enhance this state's economic growth and vitality by offering assistance to privately owned businesses and industries in training a new workforce and by creating new jobs and retaining and upgrading existing jobs;

(2) Provide technical education and training as a component of this state's economic development efforts;

(3) Be flexible and responsive to the training needs of business and industry in this state; and

(4) Offering on-the-job training programs to support existing employees and dislocated workers.

50-7-803.

As used in this part:

(1) "Department" means the Department of Labor and Workforce Development;

(2) "Displaced homemaker" means an individual who has been:

(A) Providing unpaid services to the individual's family members in the home; and

(B) Dependent on the income of another family member but is no longer supported by that income;

(3) "Dislocated worker" means an individual who:

(A) Has been terminated or laid off, or who has received a notice of termination or layoff from employment, including an individual:

(i) Currently eligible for unemployment insurance benefits; or

(ii) Who has exhausted entitlement to unemployment insurance benefits;

(B) Has been terminated or laid off, or has received a notice of termination or layoff from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise, including a facility at which the employer has made a general announcement that the facility will close within one hundred eighty (180) days;

(C) Was self-employed, but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters; or

(D) Is a displaced homemaker;

(4) "Eligible business" means a business determined by the department to be eligible for Tennessee Works Pilot program grants;

(5) "Eligible training expenses" means expenses determined by the department to be eligible for grants awarded through the Tennessee Works Pilot program; and

(6) "Trade adjustment assistance funds" means funds distributed in accordance with the federal Trade Adjustment Assistance Reform Act of 2002, compiled in Title 19 of the United States Code.

50-7-804.

(a) The department shall administer the Tennessee Works Pilot program by awarding reimbursable training grants to privately owned businesses for the purpose of training new and existing employees in this state.

(b)(1) Tennessee Works Pilot program training grants will be awarded to eligible businesses seeking to make new hires through the program. Such grants shall be used for the eligible training expenses of a dislocated worker:

(A) Who is a first time unemployment insurance claimant. The claimant shall continue to receive unemployment insurance benefits during the training period; or

(B) Whose job is lost due to workforce off shoring by the worker's former employer and who is currently under a valid trade petition approved by the United States Department of Labor.

(2)(A) A Tennessee Works Pilot program initial training period shall last for up to, but no more than, eight (8) weeks. At any time during the initial training period or at the end of the initial training period, the grant recipient may elect to employ a dislocated worker on a full-time basis.

(B)(i) If a grant recipient elects to employ the dislocated worker and to provide additional OJT to the dislocated worker, then the grant recipient will be eligible to receive a wage offset in return for providing additional OJT to the dislocated worker. The employment and training of a dislocated worker pursuant to this subdivision (b)(2)(B)(i) shall be in accordance with the department's existing OJT program and the department's rules and policies regarding the existing OJT program.

(ii) A dislocated worker shall no longer be eligible to receive unemployment insurance benefits or trade adjustment compensation if the dislocated worker is employed and receiving OJT pursuant to subdivision (b)(2)(B)(i). If the grant recipient does not retain the

dislocated worker following the OJT period and the dislocated worker is otherwise eligible to receive unemployment insurance benefits, then the dislocated worker can, upon filing a claim, resume receipt of unemployment insurance benefits.

(3) A business shall no longer be eligible for grants through the Tennessee Works Pilot program if the business does not demonstrate a pattern of continued employment of dislocated workers following the end of the OJT period.

(c) Trade adjustment assistance funds shall only be awarded:

(1) Through the Tennessee Works Pilot program pursuant to subdivision (b)(1)(B); and

(2) To be used in limited cases as an option to expedite employment where the conditions described in subdivision (b)(1)(B) exist.

50-7-805.

(a) The Tennessee Works Pilot program established under this part shall be funded solely with funds received by the state from the United States Department of Labor and shall be subject to the availability of such funds and all laws governing the use of the funds.

(b) No Tennessee Works Pilot program grant shall be awarded to:

(1) Any state entity;

(2) Any county, city, town, or other political subdivision of this state; or

(3) Any organization or group of organizations, described in § 501(c)(3) of the Internal Revenue Code, compiled in 26 U.S.C. § 501(c)(3), that is exempt from income tax under § 501(a) of the Internal Revenue Code, codified in 26 U.S.C. § 501(a).

50-7-806.

The department has authority to adopt rules to effectuate this chapter. The rules shall be adopted in accordance with the rulemaking provisions of the Uniform Administrative Procedures Act, compiled at Title 4, Chapter 5. The department may also adopt public necessity rules as determined to be necessary to effectuate this chapter, in accordance with the Uniform Administrative Procedures Act. No rule shall be adopted without prior hearing and notice as provided under the Uniform Administrative Procedures Act.

50-7-807.

On or before January 1, 2014, the department shall report to the Commerce, Labor & Agriculture Committee of the Senate and the Commerce Committee of the

House of Representatives concerning the department's findings and recommendations concerning the Tennessee Works Pilot program.

SECTION 2. For purposes of promulgating rules and regulations, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting the language "training" in § 50-7-804(a) in Section 1 and by substituting instead the language "screening for potential employment of".

AND FURTHER AMEND by deleting the language "through the program" in § 50-7-804(b)(1) and prior to subdivision (b)(1)(A) in Section 1 and by substituting instead the language "during or after the screening period".

AND FURTHER AMEND by deleting the language "training" in § 50-7-804(b)(1)(A) in Section 1 and by substituting the language "screening".

AND FURTHER AMEND by deleting the language "at the end of the initial training" in § 50-7-804(b)(2)(A) in Section 1 and by substituting instead the language "after the screening".

AND FURTHER AMEND by deleting the language "initial training" whenever it appears in § 50-7-804(b)(2)(A) in Section 1 and by substituting instead the language "screening".

AND FURTHER AMEND by deleting the language "a grant recipient" and "the grant recipient" in § 50-7-804(b)(2) in Section 1 and by substituting instead the language "an employer" and "the employer", respectively.

AND FURTHER AMEND by deleting the language "OJT" in § 50-7-804(b)(2)(B)(i) in Section 1 and by substituting instead the language "on the job training (OJT)".

AND FURTHER AMEND by deleting the language "A business" and "the business" in § 50-7-804(b)(3) in Section 1 and by substituting instead the language "An employer" and "the employer", respectively.

AND FURTHER AMEND by deleting the language "public necessity rules" in § 50-7-806 in Section 1 and by substituting instead the language "emergency rules".

AND FURTHER AMEND by deleting the effective date section and by substituting instead the following:

SECTION \_\_. For purposes of promulgating rules and regulations, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2013, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

Thereupon, **Senate Bill No. 2129**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 33  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senator Campfield moved that **Senate Bill No. 2177** be placed at the heel of the last Calendar, which motion prevailed.

**FURTHER ACTION ON HOUSE BILL NO. 3124, AS AMENDED**

Senator Johnson moved that **House Bill No. 3124**, as amended, be moved three places down on Calendar No. 1 for today, which motion prevailed.

Mr. Speaker Ramsey moved that **Senate Bill No. 1715** be moved five places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 2182** -- Criminal Procedure -- As introduced, removes statute of limitations for prosecution of following offenses if offense committed against a child on or after July 1, 2012: aggravated rape, rape, aggravated sexual battery, sexual battery, rape of a child, sexual battery by an authority figure, aggravated rape of a child, statutory rape by an authority figure, incest, producing obscene material, sexual exploitation of a minor, aggravated sexual exploitation of a minor and especially aggravated sexual exploitation of a minor. Amends TCA Title 40, Chapter 2.

On motion, Senate Bill No. 2182 was made to conform with **House Bill No. 2278**.

On motion, House Bill No. 2278, on same subject, was substituted for Senate Bill No. 2182.

On motion of Senator Overbey, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2278** passed its third and final consideration by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Barnes, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**FURTHER ACTION ON SENATE BILL NO. 1738, AS AMENDED**

Senator Ketron moved that Amendment No. 3 be placed behind Amendment No. 4, which motion prevailed.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 4**

AMEND by adding the following language as a new section immediately preceding the effective date section and by redesignating the effective date section accordingly:

SECTION \_\_. On or before February 1, 2013, the Commissioner of Revenue shall report to the Finance, Ways and Means Committees of the Senate and the House of Representatives concerning cigarette rolling machine operators in this state. The report shall identify as of August 1, 2012, and January 15, 2013, the number of licensed cigarette rolling machine operators and the number of cigarette rolling machines in this state.

On motion, Amendment No. 4 was adopted.

Senator Ketron moved that Amendment No. 3 be placed behind Amendment No. 5, which motion prevailed.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 5**

AMEND by deleting the language "January 1, 2014" wherever it appears throughout the bill, as amended, and by substituting instead the language "July 1, 2013".

On motion, Amendment No. 5 was adopted.

On motion of Senator Ketron, Amendment No. 3 was withdrawn.

On motion of Senator Overbey, Amendment No. 6 was withdrawn.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Thereupon, **Senate Bill No. 1738**, as amended, passed its third and final consideration by the following vote:

Ayes .....	26
Noes .....	5

Senators voting aye were: Barnes, Bell, Burks, Crowe, Faulk, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--26.

Senators voting no were: Berke, Finney, Ford, Kyle and Marrero--5.

A motion to reconsider was tabled.



**FURTHER ACTION ON HOUSE BILL NO. 3124, AS AMENDED**

Senator Johnson moved that **House Bill No. 3124**, as amended, be moved five places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 2249** -- State Government -- As introduced, decreases the size of the board of directors for the Duck River Development Agency from 17 to 12; authorizes the Commissioner of Environment and Conservation to appoint an executive director to carry out the purposes of the "Tennessee Heritage Conservation Trust Fund Act of 2005"; revises other various provisions governing the structure of certain state agencies, committees, boards and commissions. Amends TCA Title 4; Title 11; Title 16; Title 37; Title 38; Title 41; Title 49; Title 60; Title 62; Title 63; Title 64; Title 68; Title 69 and Title 71.

On motion, Senate Bill No. 2249 was made to conform with **House Bill No. 2387**.

On motion, House Bill No. 2387, on same subject, was substituted for Senate Bill No. 2249.

On motion of Senator Bell, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2387** passed its third and final consideration by the following vote:

Ayes .....	20
Noes .....	9

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Ford, Gresham, Herron, Kelsey, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Finney, Harper, Haynes, Henry, Marrero and Tate--9.

A motion to reconsider was tabled.

**Senate Bill No. 1715** -- Regional Authorities and Special Districts -- As introduced, terminates the Four Lake regional industrial development authority, June 30, 2011. Amends TCA Title 4, Chapter 29, Part 2 and Title 64, Chapter 5, Part 2.

On motion, Senate Bill No. 1715 was made to conform with **House Bill No. 1013**.

On motion, House Bill No. 1013, on same subject, was substituted for Senate Bill No. 1715.

Senator Watson moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

On motion of Senator Watson, Amendment No. 2 was withdrawn.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1013** passed its third and final consideration by the following vote:

Ayes ..... 31  
Noes ..... 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

Senator voting no was: Stewart--1.

A motion to reconsider was tabled.

**Senate Bill No. 2251** -- Sentencing -- As introduced, establishes increased punishment for second and subsequent convictions for domestic assault. Amends TCA Title 39; Title 40 and Title 41.

On motion, Senate Bill No. 2251 was made to conform with **House Bill No. 2389**.

On motion, House Bill No. 2389, on same subject, was substituted for Senate Bill No. 2251.

On motion of Senator Overbey, Amendment No. 1 was withdrawn.

On motion of Senator Overbey, Amendment No. 2 was withdrawn.

On motion of Senator McNally, Amendment No. 3 was withdrawn.

Thereupon, **House Bill No. 2389** passed its third and final consideration by the following vote:

Ayes ..... 33  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

**Senate Bill No. 2253** -- Drugs, Prescription -- As introduced, enacts the "Tennessee Prescription Safety Act of 2012". Amends TCA Title 53, Chapter 10, Part 3; Title 53, Chapter 11, Part 3; Title 53, Chapter 11, Part 4 and Title 63, Chapter 1, Part 3.

Senator Overbey declared Rule 13 on **Senate Bill No. 2253**.

Senator Beavers moved that Amendment No. 1 be placed behind Amendment No. 3, which motion prevailed.

Senator Crowe moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Tennessee Prescription Safety Act of 2012".

SECTION 2. Tennessee Code Annotated, Section 53-10-302, is amended by deleting the section in its entirety and by substituting instead the following:

53-10-302.

As used in this part:

(1) "Board" means the board of pharmacy created by Title 63, Chapter 10, Part 3;

(2) "Commissioner" means the Commissioner of Health;

(3) "Committee" means the Controlled Substance Database Committee created by this part;

(4) "Controlled substances" means a drug, substance or immediate precursor in Schedules I through VI defined or listed in Title 39, Chapter 17, Part 4;

(5) "Database" means the controlled substance database created by this part;

(6) "Department" means the Department of Health;

(7) "Dispense" means to physically deliver a controlled substance covered by this part to any person, institution or entity with the intent that it be consumed away from the premises on which it is dispensed. It does not include the act of writing a prescription by a practitioner to be filled at a pharmacy licensed by the board. For purposes of this act, physical delivery includes mailing controlled substances into this state;

(8) "Dispenser" means a pharmacist, a pharmacy, or any healthcare practitioner who is licensed and has current authority to dispense controlled substances;

(9) "Healthcare practitioner" means:

(A) A physician, dentist, optometrist, veterinarian, or other person licensed, registered, or otherwise permitted to prescribe, distribute, dispense or administer a controlled substance in the course of professional practice; or

(B) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, or administer a controlled substance in the course of professional practice;

(10) "Healthcare practitioner extender" means any registered or licensed healthcare professional, and up to two (2) unlicensed persons designated by the prescriber or dispenser, who act as agents of that prescriber or dispenser. The prescriber or dispenser shall be responsible for all actions taken by their agents pursuant to this act.

(11) "Law enforcement personnel" means agents of the Tennessee Bureau of Investigation, agents of a judicial district drug task force, federal law enforcement officers commissioned by a federal government entity, certified law enforcement officers certified pursuant to § 38-8-107, and certified law enforcement officers in other states; and

(12) "Prescriber" means an individual licensed as a medical doctor, podiatrist, dentist, optometrist, veterinarian, osteopathic physician, or physician assistant who has the authority to issue prescriptions for controlled substances, or an advanced practice nurse with a certificate of fitness to prescribe and the required supervisory relationship with a physician.

SECTION 3. Tennessee Code Annotated, Section 53-10-303(a), is amended by deleting the word "advisory".

SECTION 4. Tennessee Code Annotated, Section 53-10-303(f), is amended by deleting the subsection in its entirety and substituting instead the following:

(f) The commissioner shall have the authority to promulgate rules and regulations, pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, necessary for implementation of this part. The commissioner shall promulgate rules regarding:

- (1) Establishing, maintaining and operating the database;
- (2) Access to the database and how access is obtained;
- (3) Control and dissemination of data and information in the database; and
- (4) The sharing and dissemination of data and information in the database with other states or other entities acting on behalf of a state.

SECTION 5. Tennessee Code Annotated, Section 53-10-304(d), is amended by deleting the subsection in its entirety and substituting instead the following:

(d) The data required by this part shall be submitted in compliance with this part to the database by any dispenser, or dispenser's agent, who dispenses a controlled substance contained in Schedules II, III, and IV, and Schedule V controlled substances identified by the Controlled Substance Database Committee as demonstrating a potential for abuse. The reporting requirement shall not apply for the following:

- (1) A drug administered directly to a patient;

(2) Any drug sample dispensed;

(3) Any drug dispensed by a licensed veterinarian; provided, that the quantity dispensed is limited to an amount adequate to treat the non-human patient for a maximum of forty-eight (48) hours;

(4) Any facility that is registered by the United States Drug Enforcement Administration as a narcotic treatment program and is subject to the recordkeeping provisions of 21 CFR 1304.24; or

(5) Any drug dispensed by a licensed healthcare facility; provided, that the quantity dispensed is limited to an amount that is adequate to treat the patient for a maximum of forty-eight (48) hours.

SECTION 6. Tennessee Code Annotated, Section 53-10-305, is amended by deleting the section in its entirety and substituting instead the following:

53-10-305.

(a) All prescribers with DEA numbers who prescribe controlled substances and dispensers in practice providing direct care to patients in Tennessee for more than fifteen (15) calendar days per year shall be registered in the controlled substance database. New licensees shall have up to thirty (30) calendar days after notification of licensure to register in the database. Licensed veterinarians who never prescribe a controlled substance in an amount intended to treat a non-human patient for more than forty-eight (48) hours shall not be required to register in the database.

(b)(1) Each dispenser or dispenser's agent shall, regarding each controlled substance dispensed, submit to the database all of the following information:

(A) Prescriber identifier;

(B) Dispensing date of controlled substance;

(C) Patient identifier;

(D) Controlled substance dispensed identifier;

(E) Quantity of controlled substance dispensed;

(F) Strength of controlled substance dispensed;

(G) Estimated days supply;

(H) Dispenser identifier;

(I) Date the prescription was issued by the prescriber;

(J) Whether the prescription was new or a refill;

(K) Source of payment; and

(L) Other relevant information as required by rule.

(2) The information in the database, as required by subdivision (b)(1), shall be submitted by a procedure and in a format established by the committee, at least once every seven (7) days for all the controlled substances dispensed during the preceding seven (7) day period.

(c) The committee shall have the authority to shorten the length of time dispensers are required to submit to the database through the promulgation of rules pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. When the committee shortens the length of time dispensers are required to submit to the database, the department shall provide notice to all dispensers who are registered in the database at least sixty (60) days prior to the date in which the rule goes into effect. If the committee shortens the length of time which dispensers must submit information to the database, a dispenser may provide to the committee a written statement indicating why it creates a hardship for that dispenser to submit information within that time period, and the committee may grant an extension up to seven (7) days within which that dispenser must submit the information to the database. Such a hardship extension shall be valid for two (2) years and may be renewed by the committee upon request of the dispenser.

(d) Any dispenser, except veterinarian dispensers, that uses a computerized system to record information concerning the dispensing of controlled substances, shall submit the required information to the database utilizing nationally recognized pharmacy telecommunications format standards.

(e) The board shall maintain the database in an electronic file or by other means established by the committee in such a manner so as not to infringe on the legal use of controlled substances, and in such a manner as to facilitate use of the database by the committee for identification of:

(1) Prescribing and dispensing practices and patterns of prescribing and dispensing controlled substances; and

(2) Individuals, facilities or entities that receive prescriptions for controlled substances from prescribers, and who subsequently obtain dispensed controlled substances from a dispenser in quantities or with a frequency inconsistent with generally recognized standards of dosage for that controlled substance, or by means of forged or otherwise false or altered prescriptions.

(f) The committee or a designee appointed by the committee shall review information in the database. If the committee or its designee determines from review that a prescriber or dispenser may have committed a violation of the law, the committee shall notify the entity responsible for

licensure, regulation, or discipline of that prescriber or dispenser and shall supply information required by the entity for an investigation of the violation of the law that may have occurred.

(g)(1) The committee shall by rule establish the electronic format in which the information required under this section shall be submitted to the database and shall allow for waiver of electronic reporting for individual dispensers for whom it would cause undue hardship as determined by the committee. The waiver may be valid for two (2) years from ratification by the committee.

(A) The committee may authorize a designee to initially approve a waiver subject to ratification by the committee.

(2) The committee shall ensure the database system records and shall maintain for reference:

(A) Identification of each person who requests or receives information from the database;

(B) The information provided to each person; and

(C) The date and time the information is requested or provided.

(h) The committee shall make rules to:

(1) Effectively enforce the limitations on access to the database as described in this part; and

(2) Establish standards and procedures to ensure accurate identification of individuals requesting information or receiving information from the database without a request.

SECTION 7. Tennessee Code Annotated, Section 53-10-306(a), is amended by deleting the language "persons, and in accordance with the limitations stated and rules promulgated pursuant to this part:" and substituting instead the language "persons in accordance with the limitations stated and rules promulgated pursuant to this part, or as otherwise provided for in § 53-10-311:".

SECTION 8. Tennessee Code Annotated, Section 53-10-306(a)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(2) Authorized committee, board, or Department of Health personnel or any designee appointed by the committee engaged in analysis of controlled substances prescription information as a part of the assigned duties and responsibilities of their employment;

SECTION 9. Tennessee Code Annotated, Section 53-10-306(a)(3), is amended by deleting the subdivision in its entirety and substituting instead the following:

(3) A prescriber conducting medication history reviews who is actively involved in the care of the patient; a prescriber or supervising physician of the prescriber conducting a review of all medications dispensed by prescription attributed to that prescriber; or a prescriber having authority to prescribe or dispense controlled substances, to the extent the information relates specifically to a current or bona fide prospective patient of the prescriber, to whom the prescriber has prescribed or dispensed, is prescribing or dispensing, or considering prescribing or dispensing any controlled substance. Each authorized individual referenced under this subdivision shall have a separate identifiable authentication for access;

SECTION 10. Tennessee Code Annotated, Section 53-10-306(a)(4), is amended by deleting the subdivision in its entirety and substituting instead the following:

(4) A dispenser or pharmacist not authorized to dispense controlled substances conducting drug utilization or medication history reviews who is actively involved in the care of the patient; or a dispenser having authority to dispense controlled substances to the extent the information relates specifically to a current or a bona fide prospective patient to whom that dispenser has dispensed, is dispensing, or considering dispensing any controlled substance. Each authorized individual referenced under this subdivision shall have a separate identifiable authentication for access;

SECTION 11. Tennessee Code Annotated, Section 53-10-306(a)(6), is amended by adding the language "or violations under this part" after the language "controlled substances" and before the language "; and that any law".

SECTION 12. Tennessee Code Annotated, Section 53-10-306(a)(6)(C), is amended by deleting the language "a law enforcement agency, a judicial drug task force or the TBI" and substituting instead the language "law enforcement personnel".

SECTION 13. Tennessee Code Annotated, Section 53-10-306(a), is amended by adding the following language as a new, appropriately designated subdivision ( ):

( ) A healthcare practitioner extender, who is acting under the direction and supervision of a prescriber or dispenser, and only to the extent the information relates specifically to a current or bona fide prospective patient to whom the prescriber or dispenser has prescribed or dispensed, is prescribing or dispensing, or considering prescribing or dispensing any controlled substance. Each authorized individual referenced under this subdivision shall have a separate identifiable authentication for access;

SECTION 14. Tennessee Code Annotated, Section 53-10-306(h), is amended by deleting the subsection in its entirety and substituting instead the following:

(h) Any prescriber, dispenser or healthcare practitioner extender receiving patient-specific information pursuant to subdivision (a)(1), (a)(2), (a)(3), or (a)(4) shall not disclose the information to any person other than:

(1) The patient to whom the information relates for the purpose of adjusting the patient's treatment plans or counseling the patient to seek substance abuse treatment;



(2) Other dispensers or prescribers who are involved or have a bona fide prospective involvement in the treatment of the patient, or dispensers or prescribers identified by the information for the purpose of verifying the accuracy of the information; or

(3) Any law enforcement personnel to whom reporting of controlled substances being obtained in a manner prohibited by § 53-11-401, § 53-11-402(a)(3) or (a)(6) and required by § 53-11-309, or any agent of the prescriber who is directed by the prescriber to cause a report to law enforcement to be made in accordance with § 53-11-309(a) and (d).

SECTION 15. Tennessee Code Annotated, Section 53-10-306(j)(4), is amended by deleting the subdivision in its entirety and substituting instead the following:

(4) The results of the audit conducted pursuant to subdivision (j)(2) shall be discoverable by a prescriber, dispenser or healthcare practitioner extender charged with violating any state or federal law involving controlled substances or under a notice of charges proffered by an appropriate licensing board for a violation of any law involving controlled substances, but only the results pertaining to that prescriber, dispenser or healthcare practitioner extender are discoverable. If, however, there is an active criminal investigation involving a prescriber, dispenser or healthcare practitioner extender or the prescriber, dispenser or healthcare practitioner extender is under investigation by any investigations or prosecution unit of the appropriate licensure board, the results of the audit conducted pursuant to subdivision (j)(2) shall not be discoverable by the prescriber, dispenser or healthcare practitioner extender during either such period.

SECTION 16. Tennessee Code Annotated, Section 53-10-307(d), is amended by deleting the subsection in its entirety and substituting instead the following:

(d) Submitting the information as required by this part shall not subject the person submitting the information to licensure disciplinary action or any action for breach of confidentiality, ethical duty to a patient, or the sharing of any professional secret.

SECTION 17. Tennessee Code Annotated, Section 53-10-308(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a)(1) Notwithstanding any other provision of this part to the contrary, the committee or its designee, after consultation with the member of the committee who represents the board which has licensed the individual being considered for investigation, may release confidential information from the database regarding dispensers, prescribers, healthcare practitioner extenders, or patients, to a manager of any investigations or prosecution unit of an appropriate licensure board, committee, or other governing body that licenses or registers dispensers, prescribers or healthcare practitioner extenders and is engaged in an investigation, adjudication, or prosecution of a violation under any state or federal law that involves a controlled substance.

(2) Notwithstanding any other provision of this part to the contrary, the committee or its designee may release confidential information from the database regarding patients to law enforcement personnel engaged in an

investigation, adjudication, or prosecution of a violation under any state or federal law that involves a controlled substance, pursuant to the procedure established in § 53-10-306(a)(6).

(3) Notwithstanding any other provision of this part to the contrary, the committee or its designee shall release information from the database when ordered by a court to do so upon the court's finding that disclosure is necessary for the conduct of proceedings before the court regarding the investigation, adjudication, or prosecution of a violation under any state or federal law that involves controlled substances and after an appropriate protective order is issued regarding the information to be released to the court.

SECTION 18. Tennessee Code Annotated, Section 53-10-308(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c) No information may be released under this section until it has been reviewed by the committee or its designee and the member of the committee who represents the board which has licensed the individual being considered for investigation, and certified that further investigation or prosecution is warranted and that release of the information is necessary to that continued investigation or prosecution.

SECTION 19. Tennessee Code Annotated, Section 53-10-309, is amended by deleting the words "or pharmacist" and substituting instead the words ", dispenser or healthcare practitioner extender".

SECTION 20. Tennessee Code Annotated, Section 53-10-310, is amended by deleting the section in its entirety and substituting instead the following:

53-10-310.

(a) Each person or entity operating a practice site where a controlled substance is prescribed or dispensed to a human patient shall provide for electronic access to the database at all times when a prescriber or dispenser provides healthcare services to a human patient potentially receiving a controlled substance.

(b) This section shall not apply to any dispensers that are not required to report pursuant to § 53-10-304(d) or § 53-10-305(g).

(c) A violation of subsection (a) is punishable by a civil penalty not to exceed one hundred dollars (\$100) per day assessed against the person or entity operating the practice site; provided, however, that the penalty shall only be imposed when there is a continued pattern or practice of not providing electronic access to the database.

(d) Any prescriber, dispenser, individual or entity who is authorized to access the database by this part shall not be subject to a suit for civil damages or held civilly liable for the failure to register in, report to, or check the database, or for actions taken after reasonable reliance on information in the database, or accessing the database to determine whether or not the

prescriber or dispenser's professional medical credentials are being inappropriately used or for reporting the same to the appropriate authorities, except as otherwise provided in this.

(e)(1) All prescribers or their designated healthcare practitioner's extenders, unless otherwise exempted under this part, shall check the controlled substance database prior to prescribing one of the controlled substances identified in subdivision (e)(3) to a human patient at the beginning of a new episode of treatment and shall check the controlled substance database for that human patient at least annually when that prescribed controlled substance remains part of the treatment.

(2) Before dispensing, a dispenser shall have the professional responsibility to check the database or have a healthcare practitioner extender check the database if the dispenser is aware or reasonably certain that a person is attempting to obtain a Schedule II-V controlled substance, identified by the committee as demonstrating a potential for abuse for fraudulent, illegal, or medically inappropriate purposes, in violation of § 53-11-402.

(3) The controlled substances which trigger a check of the controlled substance database pursuant to subdivision (e)(1) include, but are not limited to, all opioids and benzodiazepines. By rule, the committee may require a check of the database for additional Schedule II-V controlled substances that are identified by the committee as demonstrating a potential for abuse.

(4) The board shall adopt rules in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, that establish standards and procedures to be followed by a dispenser regarding the review of patient information available through the database.

(5) Prescribers are not required to check the controlled substance database before prescribing or dispensing one of the controlled substance identified in subdivision (e)(3) or added to that list by the committee if one or more of the following conditions is met:

(A) The controlled substance is prescribed or dispensed for a patient who is currently receiving hospice care;

(B) The committee has determined that prescribers in a particular medical specialty shall not be required to check the database as a result of the low potential for abuse by patients receiving treatment in that medical specialty;

(C) The controlled substance is prescribed or dispensed to a patient as a non-refillable prescription as part of treatment for a surgical procedure that occurred in a licensed healthcare facility.

(D) The quantity of the controlled substance which is prescribed or dispensed does not exceed an amount which is adequate for a single, seven (7) day treatment period and does not allow a refill.

(f) Each appropriate licensure board shall promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, to establish procedures, notice requirements, and penalties for prescribers and dispensers who fail to register in, report to, or check the controlled substance database as required.

(g) Notwithstanding any other provision of this part to the contrary, a prescriber, dispenser or healthcare practitioner extender shall not be in violation of this part during any time period in which the controlled substance database is suspended or not operational or the Internet is not operational or available as defined by rules promulgated by the commissioner after consultation with the committee.

SECTION 21. Tennessee Code Annotated, Title 53, Chapter 10, Part 3, is amended by adding the following as a new section:

53-10-311.

Notwithstanding any other provision of this part to the contrary, the commissioner is authorized to enter into agreements with other states or other entities acting on behalf of a state for the purposes of sharing and dissemination of data and information in the database. Disclosure of such agreements shall be consistent with the provisions and limitations set forth in this part. All such agreements shall specifically provide which prescribers, dispensers, healthcare practitioner extenders or law enforcement personnel who are licensed, registered, or certified in other states shall have access to the database.

SECTION 22. Tennessee Code Annotated, Section 53-11-309(a), is amended by adding the word "pharmacist", after the word "veterinarian", and before the word "advanced".

SECTION 23. Tennessee Code Annotated, Section 53-11-402(b)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(b)(1) A violation of this section is a Class D felony, except that a violation of subdivision (a)(6) is a Class A misdemeanor and any violation of subdivision (a)(6) involving more than two hundred fifty (250) units of a controlled substance is a Class E felony. For purposes of this subdivision, a "unit" means an amount of a controlled substance in any form that would equate to the initial single individual dosage recommended by the manufacturer of the controlled substance.

SECTION 24. Tennessee Code Annotated, Section 63-1-309(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c) If any practitioner providing services at a pain management clinic dispenses or prescribes controlled substances for the treatment of chronic nonmalignant pain, the practitioner must document in the patient's record the reason for prescribing or dispensing that quantity.

SECTION 25. This act shall be interpreted to be consistent with all state and federal laws addressing privacy of patient records.

SECTION 26. Tennessee Code Annotated, Section 53-10-309, is amended by adding the following language between the first and second sentences of that section:

The committee's annual report shall include information about the prescribing and dispensing patterns of prescribers and dispensers, and this data shall be made available electronically to prescribers and dispensers in a format that will allow them to compare their prescribing and dispensing patterns to those of their peers.

SECTION 27. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 28. For purposes of promulgating rules and regulations, including emergency rulemaking, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, except the requirements of subdivision (e)(1) in Section 20, this act shall take effect on January 1, 2013, the public welfare requiring it. The requirements of subdivision (e)(1) in Section 20 shall take effect on April 1, 2013, the public welfare requiring it. The provisions of this act shall expire and be of no force and effect after June 30, 2016, and on July 1, 2016, the existing provisions of Tennessee Code Annotated, Title 53, Chapter 10, Part 3, shall be revived and reenacted as they were codified on March 1, 2012.

On motion, Amendment No. 2 was adopted.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_. Notwithstanding any provision of the law to the contrary, no funds maintained in any of the accounts created pursuant to Tennessee Code Annotated, Section 63-1-137 shall be used to pay any of the expenses incurred in acquiring hardware, software, or contracted services or employing personnel needed to implement and enhance the operation of the controlled substance monitoring database pursuant to the provisions of this act.

On motion, Amendment No. 3 was adopted.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **Senate Bill No. 2253**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 33  
Noes ..... 0

**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

**Senate Bill No. 2292** -- Financial Responsibility Law -- As introduced, allows law enforcement and county clerks to electronically verify insurance status of any vehicle; provides that a valid insurance coverage indicator on the vehicle's electronic record shall be acceptable evidence of insurance in lieu of an officer requesting other types of evidence; prohibits issuance or renewal of title or registration unless insurance coverage is electronically verified. Amends TCA Title 55, Chapter 12; Title 55, Chapter 3; Title 55, Chapter 4 and Title 56.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The Commissioner of Safety shall examine the contents of this bill, as introduced in the 107th General Assembly, in a formal study, assessing the manner and method by which implementation of the contents in this bill, as introduced in the 107th General Assembly, could be made.

SECTION 2. The Commissioner of Safety shall report findings from the study and recommendations to the members of the Commerce, Labor and Agriculture Committee of the Senate and the Commerce Committee of the House of Representatives no later than February 1, 2013.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2292**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**FURTHER ACTION ON HOUSE BILL NO. 3124, AS AMENDED**

Senator Faulk moved to amend as follows:

**AMENDMENT NO. 4**

AMEND by deleting Section 2 of the bill as amended and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 2012 and shall apply to claims filed on and after that date, the public welfare requiring it.

On motion, Amendment No. 4 was adopted.

Thereupon, **House Bill No. 3124**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	17
Noes . . . . .	12
Present, not voting . . .	2

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Roberts, Southerland, Summerville, Tracy, Watson and Mr. Speaker Ramsey--17.

Senators voting no were: Barnes, Berke, Burks, Faulk, Finney, Ford, Harper, Haynes, Herron, Kyle, Marrero and Overbey--12.

Senators present and not voting were: Henry and Yager--2.

A motion to reconsider was tabled.

**Senate Bill No. 2327** -- Sunset Laws -- As introduced, extends the department of general services, June 30, 2017. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3.

On motion, Senate Bill No. 2327 was made to conform with **House Bill No. 2513**.

On motion, House Bill No. 2513, on same subject, was substituted for Senate Bill No. 2327.

**House Bill No. 2513** passed its third and final consideration by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 2339** -- Sunset Laws -- As introduced, extends the department of environment and conservation, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3.

On motion, Senate Bill No. 2339 was made to conform with **House Bill No. 2506**.

**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

On motion, House Bill No. 2506, on same subject, was substituted for Senate Bill No. 2339.

On motion of Senator Bell, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2506** passed its third and final consideration by the following vote:

Ayes . . . . .	32
Noes . . . . .	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

Senator present and not voting was: Summerville--1.

A motion to reconsider was tabled.

Senator Campfield moved that **Senate Bill No. 2388** be rereferred to the Committee on Calendar, which motion prevailed.

**Senate Bill No. 2510** -- Bail, Bail Bonds -- As introduced, requires persons who have previously failed to appear in court as scheduled to post money or real estate as security for a bail bond. Amends TCA Section 40-11-104.

On motion, Senate Bill No. 2510 was made to conform with **House Bill No. 2812**.

On motion, House Bill No. 2812, on same subject, was substituted for Senate Bill No. 2510.

**House Bill No. 2812** passed its third and final consideration by the following vote:

Ayes . . . . .	28
Noes . . . . .	2
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Yager and Mr. Speaker Ramsey--28.

Senators voting no were: Finney and Kyle--2.

Senator present and not voting was: Ford--1.

A motion to reconsider was tabled.



**Senate Bill No. 2580** -- Welfare -- As introduced, requires applicants for TANF benefits to undergo a drug test before receiving such benefits; restricts TANF benefits for positive drug test results under certain circumstances. Amends TCA Title 4, Chapter 3, Part 12; Title 4, Chapter 3, Part 18 and Title 71.

Senator Crowe moved that Amendment No. 1 be placed behind Amendment No. 4, which motion prevailed.

Senator Crowe moved that Amendment No. 2 be placed behind Amendment No. 1, which motion prevailed.

Senator Crowe moved that Amendment No. 3 be placed behind Amendment No. 2, which motion prevailed.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 4**

AMEND by adding the following language immediately preceding the enacting clause:

WHEREAS, the State of Tennessee recognizes that the public safety is enhanced when persons are not under the influence of illegal drugs. Not only are persons who are not under the pernicious influence of illegal drugs less disruptive of the social fabric, persons and neighborhoods around them are safer as well; and

WHEREAS, tax dollars should go to persons who are trying to better themselves rather than to persons who violate our state and national laws and support a network of illicit purveyors of misery and disappointment; and

WHEREAS, the public image of TANF recipients will be enhanced by removing the stigma that is too often attached to such recipients that they use government funds to purchase illegal drugs; now, therefore,

AND FURTHER AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 3, is amended by adding Sections 2 through 7 as a new part thereto.

SECTION 2. For the purposes of this part:

(1) "Caretaker relative" means the father, mother, grandfather or grandmother of any degree, brother or sister of the whole or half-blood, stepfather, stepmother, stepbrother, stepsister, aunt or uncle of any degree, first cousin, nephew or niece, the relatives by adoption within the previously named classes of persons, and the biological relatives within the previous degrees of relationship, and the legal spouses of persons within the previously named classes of persons, even if the marriage has been terminated by death or divorce, with whom a child is living;

(2) "Chain of custody" means the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances, and providing for accountability at each stage in handling, testing and storing specimens and reporting test results;

(3) "Confirmation test", "confirmed test" or "confirmed drug test" means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity and quantitative accuracy;

(4) "Drug" means marijuana, cocaine, methamphetamine, amphetamine, and opiates such as morphine. The Commissioner of Human Services may add additional drugs by rule;

(5) "Drug treatment program" means a service provider that provides confidential, timely and expert identification, assessment and resolution of drug or alcohol abuse problems affecting persons;

(6) "Drug test" or "test" means any chemical, biological or physical instrumental analysis administered by a drug testing agency authorized to do so pursuant to this part, for the purpose of determining the presence or absence of a drug or its metabolites pursuant to regulations adopted by rule by the Commissioner of Human Services;

(7) "Drug testing agency" means an entity that has the required credentials as established by regulatory or certification authorities to administer tests using a person's urine, blood or DNA that will detect and validate the presence of drugs in such person's body;

(8) "Five panel test" means a test for marijuana, cocaine, methamphetamine, amphetamine, and opiates such as morphine;

(9) "Initial drug test" means a procedure that qualifies as a "screening test" or "initial test" pursuant to regulations governing drug testing approved by rule by the Commissioner of Human Services;

(10) "Legal guardian" means a person or entity that has the legal authority to provide for the care, supervision or control of a minor child as established by law or court order;

(11) "Protective payee" means a caretaker relative or a legal guardian of the child; provided, however, that person defined as a caretaker relative or guardian who is the applicant of TANF benefits who tests positive for the use of a drug as defined in this part shall be excepted from this definition; and

(12) "Specimen" means tissue, fluid or a product of the human body capable of revealing the presence of drugs or their metabolites.

SECTION 3. (a) The Department of Human Services shall develop a plan to implement a program of suspicion-based drug testing for each applicant who is otherwise eligible for Temporary Assistance for Needy Families (TANF), or its successor program.

(b)(1) Dependent children under the age of eighteen (18) are exempt from the drug-testing requirement pursuant to this part; provided, however, any minor parent who is an applicant for TANF benefits who does not live with a parent, legal guardian, or other adult caretaker relative must comply with the drug-testing requirements of this part.

(2) In a two-parent household, only one parent shall be required to undergo a drug test.

(c) The implementation shall occur in phases over a two (2) year period. The department shall report on the status of the implementation to the General Health and Welfare Committee of the Senate and the Health and Human Resources Committee of the House of Representatives. The status reports shall be sent to the chairs of each committee quarterly beginning October 1, 2012, during the implementation period.

(d)(1) The department shall consult with substance abuse treatment experts, as determined by the Commissioner of Human Services, and shall develop appropriate screening techniques and processes that will establish reasonable cause that an applicant for TANF is using a drug as defined by this part and that can be used to establish the necessary criteria to permit the department to require the applicant to undergo a urine-based five (5) panel drug test to be conducted by a drug testing agency.

(2) The applicant may inform the drug testing agency administering the test of any prescription or over-the-counter medication the person is taking. No drug for which an applicant has a current valid prescription shall be a basis for denial of TANF benefits pursuant to this part.

(3) Following an initial positive drug test, the applicant shall undergo a confirmation test using the same urine sample from the initial positive test prior to determination of TANF eligibility. The results of the confirmation test shall be used to determine final eligibility for TANF benefits.

(e) The department shall identify and select a screening tool such as the Substance Abuse Subtle Screening Inventory (SASSI) or such other screening techniques as part of the development of the screening technique that will be employed for this program.

(f)(1) The department shall develop a plan for funding of the costs of the screening process, the urine-based drug testing process, any personnel and information systems modification costs, and any other costs associated with the development and implementation of the testing process.

(2) The plan shall provide for funding from existing TANF or other funding available to the department, from appropriations requested by the department or from any combination of sources.

(g) The department shall develop a plan for any modification of its information systems necessary to properly track and report on the status of applicants who are screened and who must undergo testing as required by this part including a detailed analysis of costs for systems analysis, programming and testing of modifications and implementation dates for completion of the modifications.

(h) The drug testing plan shall require, at a minimum, the following:

(1) That the department shall establish a referral process for any applicant who tests positive to be referred to an appropriate treatment resource for drug abuse treatment or other resource by the department for an appropriate treatment period as determined by the department. The plan shall require evidence of ongoing compliance during the treatment period. If the applicant is otherwise eligible during the treatment period, the applicant shall receive TANF benefits during the treatment period no longer than six (6) months.

(2) That refusal of an applicant who tests positive to enter a treatment plan or failure to complete the treatment plan shall result in ineligibility for TANF benefits for six (6) months.

(3) That at the conclusion of the treatment period the applicant shall be tested again using the urine-based five (5) panel drug test, and the plan shall require that upon re-testing, if the applicant tests positive for the use of drugs that is validated by a confirmation test, the applicant shall be ineligible for TANF benefits for six (6) months.

(4) That if the person tests positive for drugs in a subsequent drug test after the six (6) months disqualification period that person shall be ineligible to receive TANF benefits for one (1) year from the date of the positive confirmation drug test.

(5) That if a caretaker relative is deemed ineligible for TANF benefits as a result of failing a drug test, the dependent child's eligibility for TANF benefits is not affected, and an appropriate protective payee shall be designated to receive TANF benefits on behalf of the child who is under sixteen (16) years of age.

SECTION 4. The department shall submit to the General Health and Welfare Committee of the Senate and the Health and Human Resources Committee of the House of Representatives its final plan and proposed rules for administration of the drug testing program for TANF applicants by January 15, 2014, and shall implement the drug testing program beginning July 1, 2014, based on the plan submitted, unless otherwise directed by law.

SECTION 5. (a) All information, interviews, reports, statements, memoranda and drug test results, written or otherwise, received by the department as part of the drug testing program established by this part shall be confidential and not subject to disclosure, and may not be used or received in evidence, obtained in discovery or disclosed in any public or private proceedings, except in accordance with the administration of this part or the TANF or successor program, or in proceedings

conducted pursuant to Title 37 concerning the protection or permanency of children or in adjudicating any claims or actions arising from the administration of this part, unless the person tested provides written consent permitting disclosure.

(b) Information regarding drug test results for tests administered pursuant to this part shall not be released to law enforcement authorities or used in any criminal proceeding against the applicant. Information released contrary to this section is inadmissible as evidence in a criminal proceeding.

(c) This section does not prohibit the department or a drug testing agency conducting a drug test from having access to an adult applicant's drug test information or using the information when consulting with legal counsel in connection with actions brought under or related to this section, or when the information is relevant to its defense in a civil or administrative matter.

(d) This section does not prohibit the reporting of child abuse, child sexual abuse, or neglect of child pursuant to Title 37, Chapter 1, Parts 4 or 6.

SECTION 6. (a) The Commissioner of Human Services is authorized to adopt rules, pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, necessary for the administration of this part, and shall have rulemaking authority to promulgate any rules to carry out the requirements of any title or part of any title that the department administers and that are necessary to immediately implement the provisions of this part or related titles or parts.

(b) In promulgating rules, the commissioner shall consider, at a minimum:

(1) Testing procedures established by the United States Departments of Health and Human Services and Transportation;

(2) Screening procedures established by substance abuse experts to determine that a person exhibits the criteria to determine that there is reasonable cause to suspect that a person is likely to use drugs as defined in this part;

(3) Body specimens and minimum specimen amounts that are appropriate for drug testing;

(4) Methods of analysis and procedures to ensure reliable drug testing results, including standards for initial tests and confirmation tests;

(5) Minimum cut-off detection levels for each drug or metabolites of the drug for the purposes of determining a positive test result;

(6) Chain-of-custody procedures to ensure proper identification, labeling and handling of specimens tested; and

(7) Retention, storage and transportation procedures to ensure reliable results of drug tests used in the administration of this part.

SECTION 7. An applicant whose drug test result is confirmed as positive in accordance with this part shall not, because of that result alone, be deemed to have a handicap or disability as defined under federal, state or local handicap and disability discrimination laws.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect on July 1, 2012, the public welfare requiring it.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 4**

AMEND by inserting the word "to" between the words "used" and "establish" in the amendatory language of subdivision (d)(1) in Section 3 of the amendment (drafting # 01697963).

On motion, Amendment No. 1 to Amendment No. 4 was adopted.

On motion, Amendment No. 4, as amended, was adopted.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

On motion of Senator Crowe, Amendment No. 2 was withdrawn.

On motion of Senator Crowe, Amendment No. 3 was withdrawn.

Thereupon, **Senate Bill No. 2580**, as amended, passed its third and final consideration by the following vote:

Ayes .....	24
Noes .....	9

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Gresham, Herron, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--24.

Senators voting no were: Berke, Finney, Ford, Harper, Haynes, Henry, Kyle, Marrero and Tate--9.

A motion to reconsider was tabled.

**Senate Bill No. 2686** -- Clerks, Court -- As introduced, authorizes clerks with electronic filing systems to charge \$120 for each registered user of the system and to institute an 8-cent per page copy transaction fee. Amends TCA Section 8-21-401.

Senator Kelsey declared Rule 13 on **Senate Bill No. 2686**.

Senator Overbey declared Rule 13 on **Senate Bill No. 2686**.

Senator Berke declared Rule 13 on **Senate Bill No. 2686**.

On motion, Senate Bill No. 2686 was made to conform with **House Bill No. 3051**.

On motion, House Bill No. 3051, on same subject, was substituted for Senate Bill No. 2686.

Senator Yager moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

**MR. SPEAKER RAMSEY RELINQUISHES CHAIR**

Mr. Speaker Ramsey relinquished the Chair to Senator Watson as Speaker pro tempore.

On motion of Senator McNally, Amendment No. 2 was withdrawn.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3051** passed its third and final consideration by the following vote:

Ayes . . . . .	26
Noes . . . . .	2
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson and Yager--26.

Senators voting no were: Haynes and Henry--2.

Senator present and not voting was: Harper--1.

A motion to reconsider was tabled.

**Senate Bill No. 2701** -- Taxes, Exemption and Credits -- As introduced, authorizes a sales tax refund on purchases made by persons receiving insurance settlements or filing insurance claims for damages resulting from disasters occurring in 2011; extends the filing deadline for applications to June 30, 2012. Amends TCA Title 67, Chapter 6, Part 3.

Senator Henry moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-396, is amended by deleting the section in its entirety and by substituting instead the following:

67-6-396.

(a) For purposes of this section:

(1) "Claimant" means any natural person receiving disaster assistance through the Federal Emergency Management Agency (FEMA) for repair, replacement, or construction of the person's primary residence that was damaged or destroyed as a result of a natural disaster occurring in Tennessee.

(2) "Major appliance" means any water heater, dishwasher, washer, dryer, refrigerator, freezer, stove, range, oven, cooktop, microwave, vacuum, or fan that is used in the claimant's primary residence to replace an appliance that was damaged or destroyed in a natural disaster occurring in Tennessee; provided, that the sales price per item is three thousand two hundred dollars (\$3,200) or less;

(3) "Residential building supplies" means any of the following items if used in the claimant's primary residence and reasonably determined by the department to be for purposes of restoration, repair, replacement, or rebuilding due to a natural disaster occurring in Tennessee; provided, that the sales price per item is five hundred dollars (\$500) or less:

(A) Cleaning and disinfecting materials, as determined by the department;

(B) Trash bags, boxes, construction tools, and hardware, as determined by the department;

(C) Roofing shingles, roofing paper, gutters, downspouts, vents, doors, windows, sheetrock, drywall, insulation, paint and paint materials, flooring, and other necessary building materials, as determined by the department; and

(4) "Residential furniture" means furniture commonly used in a residential dwelling, as determined by the department, that is used in the claimant's primary residence to replace furniture that was damaged or destroyed in a natural disaster occurring in Tennessee; provided, that the sales price per item is three thousand two hundred dollars (\$3,200) or less.

(b) A claimant shall be entitled to a refund equal to the total amount of Tennessee state and local sales and use tax paid by the claimant to one (1) or more retailers as a result of the claimant's purchases of major appliances, residential furniture, or residential building supplies from such retailers; provided that the total amount refunded under this section in connection with any one (1) residence shall not exceed two thousand five hundred dollars (\$2,500).



(c)(1) To receive a refund under this section, a claimant may file only one (1) natural disaster claim for refund with the department, and shall file such claim for refund within one (1) year from the date shown on the FEMA decision letter received by the claimant.

(2) The claimant must also certify on the natural disaster claim for refund form that purchases for which the refund is claimed were to replace, repair or restore property damaged in a federally declared natural disaster occurring in Tennessee.

(3) Notwithstanding any provision of § 67-1-1802, such refund shall be made by the department directly to the claimant and shall not be made by the retailer to the claimant. All natural disaster claims for refund shall include satisfactory proof of receipt of federal disaster assistance.

(4) Each claimant shall keep and preserve suitable records of the purchases for which a refund is claimed pursuant to this section, including, but not limited to, store receipts and copies of payment documents such as checks, credit card receipts, or a sworn statement under penalty of perjury to support any purchases made using cash. Such records must be kept and preserved for a period of three (3) years from December 31 of the year in which the natural disaster claim for refund was filed. Such records shall be open to the inspection of the commissioner, or the duly authorized delegates of the commissioner, at all reasonable hours.

(5) The Commissioner of Revenue has the authority to conduct audits or require the filing of additional information necessary to substantiate the amount of any refund due to the claimant.

(d) The department may assess a civil penalty not to exceed twenty-five thousand dollars (\$25,000) against any person that knowingly files a false or fraudulent application for refund under this section. Any claimant that is assessed a penalty under this subsection (d) shall be entitled to the remedies provided in § 67-1-1801.

(e) All refunds under this section shall be paid from the state's general fund and nothing in this section shall be construed to reduce the amount of sales and use tax payable to local governments.

SECTION 2. This act shall take effect upon becoming a law and shall apply to any federally declared natural disaster occurring in Tennessee on or after January 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2701**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson and Yager --30.

A motion to reconsider was tabled.

**Senate Bill No. 2773** -- Fines and Penalties -- As introduced, requires person who pleads guilty to offense of reckless driving or reckless endangerment where the originally charged offense is DUI to pay fine from within the same range as first offense DUI fine. Amends TCA Title 39 and Title 55.

On motion, Senate Bill No. 2773 was made to conform with **House Bill No. 3218**.

On motion, House Bill No. 3218, on same subject, was substituted for Senate Bill No. 2773.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-205, is amended by deleting subsection (d) and substituting instead the following:

(d)(1) A violation of this section is a Class B misdemeanor.

(2) In addition to the penalty authorized by this subdivision (d)(1), the court shall assess a fine of fifty dollars (\$50.00) to be collected as provided in § 55-10-451 and distributed as provided in § 55-10-452.

SECTION 2. Tennessee Code Annotated, Section 39-13-103(b), is amended by adding the following new subdivision:

(4) In addition to the penalty authorized by this subsection, the court shall assess a fine of fifty dollars (\$50.00) to be collected as provided in § 55-10-451 and distributed as provided in § 55-10-452.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

Senator Beavers moved that **House Bill No. 3218** be placed on the Calendar for Thursday, April 26, 2012, which motion prevailed.

**Senate Bill No. 2809** -- Education, Higher -- As introduced, requires public postsecondary institutions, under certain conditions, to accept for credit any dual credit course developed by another public postsecondary institution in collaboration with a high school. Amends TCA Title 49.

Senator Gresham moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-15-102, is amended by adding the following language as a new, appropriately designated subdivision:

( ) "Office of postsecondary coordination and alignment" means the office of postsecondary coordination and alignment in the division of career and technical education in the Department of Education;

SECTION 2. Tennessee Code Annotated, Section 49-15-102(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(2) "Dual credit program" means a postsecondary course, taught in a high school by certified secondary instructors, the successful completion of which prepares a secondary student to sit for a postsecondary challenge examination, administered under the supervision of postsecondary faculty or a consortium approved certified secondary instructor. The student's score on the challenge examination shall be used by a postsecondary institution for evaluation to determine the granting of postsecondary credit towards a diploma or a certificate or an associate or baccalaureate degree.

SECTION 3. Tennessee Code Annotated, Section 49-15-103, is amended by deleting the section in its entirety and substituting instead the following:

(a) The chancellor of the board of regents or the chancellor's designee, the president of the University of Tennessee system or the president's designee, the executive director of the Tennessee Higher Education Commission or the executive director's designee, the executive director of the State Board of Education or the executive director's designee, and the Commissioner of Education or the commissioner's designee shall compose the consortium for cooperative innovative education.

(b) The consortium shall:

(1) Develop and put into effect a program to align secondary and postsecondary courses;

(2) Develop and implement early postsecondary credit opportunities; and

(3) Create marketing channels to advise students of early postsecondary education opportunities. Early postsecondary education opportunities may include, but are not limited to, dual enrollment, dual credit, Advanced Placement (AP), College-Level Examination Program (CLEP) and International Baccalaureate opportunities.

(c) The chancellor of the board of regents and the president of the University of Tennessee system, or their designees, shall be co-chairs of the consortium.

(d) The consortium may create an advisory committee to assist the consortium by examining best practices in cooperative innovative education, suggesting options for promotion of opportunities for early college credit and advising the consortium on workforce needs. The advisory committee shall invite and encourage the Tennessee Chamber of Commerce and Industry, the Tennessee Business Roundtable and the Tennessee Independent College and Universities Association to participate in the advisory committee's activities.

(e) The consortium may establish and appoint committees and subcommittees to perform its tasks or to otherwise assist the consortium as it deems necessary. It is the prerogative of the chancellor and the president of the respective postsecondary governing boards to convene postsecondary faculty.

(f) The board of trustees of the University of Tennessee and the board of regents shall develop, amend or adopt relevant policies and guidelines to realize dual credit or dual enrollment for postsecondary institutions with the secondary schools of the state.

(g) The state board and the Department of Education shall develop, amend or adopt relevant policies and guidelines to realize dual credit or dual enrollment in the public high schools.

SECTION 4. Tennessee Code Annotated, Section 49-15-104, is amended by deleting the section in its entirety and substituting instead the following:

(a) By July 1, 2013, the consortium shall review existing dual credit pilot projects established under this chapter, determine the viability of those courses for statewide implementation and implement statewide those courses determined to be viable. Additionally, the consortium shall develop and implement statewide postsecondary courses, with accompanying challenge examinations, that reflect common learning outcomes established among the postsecondary institutions that have the course already in the individual institution's academic inventory. The initial statewide early postsecondary credit opportunities and their assessments shall be piloted on a statewide basis in the 2013-2014 school year in those high schools that choose to integrate the postsecondary curriculum into their secondary programs of study. In succeeding years additional early postsecondary credit opportunities, including dual enrollment, shall be developed as funds are made available for this purpose.

(b)(1) The consortium, in cooperation with the office of postsecondary coordination and alignment, shall develop a plan for the establishment of statewide early postsecondary credit opportunities through dual enrollment and dual credit, and for the other purposes of § 49-15-101. This plan shall not prevent an individual postsecondary institution from initiating dual credit or dual enrollment opportunities with individual high schools. Participating high schools and postsecondary institutions developing unique dual credit or dual enrollment opportunities shall notify students prior to such dual credit course being taught of the availability of transfer of the course.

(2) For the purpose of dual credit, the plan shall establish a process for the development of challenge examinations consistent with the most current "Standards for Educational and Psychological Testing" developed jointly by the American Educational Research Association, American Psychological Association and National Council on Measurement in Education and shall result in a statewide challenge examination program for designated postsecondary courses. Those dual credit courses identified within the plan that are part of the Tennessee transfer pathways shall be developed in alignment with the provisions of the Complete College Act of 2010 codified in § 49-7-202(e)(1) and (2).

(3) Dual enrollment opportunities under this plan shall demonstrate equivalent postsecondary course learning outcomes and equivalent faculty preparation in order for the course to be taught in the high school.

(4) The chancellor of the board of regents and the president of the University of Tennessee, or their designees, shall be responsible for the convocation of postsecondary faculty to develop statewide early postsecondary credit opportunities within the plan developed under this section.

(c) The office of postsecondary coordination and alignment shall:

(1) Make recommendations to the consortium for the development of specific early postsecondary credit opportunities. Each recommendation shall demonstrate how the opportunity is integrated within a secondary college-and-career pathway of study;

(2) Provide such funds as are necessary for the implementation of the plan of the consortium;

(3) Develop a secure database to maintain escrowed assessment scores resulting from dual credit course challenge examinations. Additionally, the office shall provide a process for furnishing postsecondary institutions access to a student's score, for the purpose of evaluating the score for possible postsecondary credit; and

(4) Make available to students, their parents, and other stakeholders, prior to students enrolling in an early postsecondary credit course, the requirements for receipt of credit at each postsecondary institution and the transferability of credits among public postsecondary institutions.

(d) The State Board of Education, the board of regents and the board of trustees of the University of Tennessee shall have final approval of statewide early postsecondary credit initiatives relevant to their individual institutions.

(e) Funds appropriated prior to the effective date of this act to the State Board of Education to fund the consortium that are unexpended shall be transferred by the State Board of Education to the department to fund activities of the office of postsecondary coordination and alignment and the consortium under this chapter.

SECTION 5. Tennessee Code Annotated, Section 49-15-105(a), is amended by adding the following language as a new, appropriately designated subdivision:

( ) A public charter school;

SECTION 6. Tennessee Code Annotated, Section 49-15-105(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b)(1) Remediation of students may occur through cooperative agreements between postsecondary and secondary institutions.

(2) A community college may participate in the development of a cooperative innovative program under this chapter that is targeted to high school students who need remediation upon enrollment in an institution of higher education. If the community college successfully remediates a student in such program then the student, upon certification by the community college of the student's successful participation and upon admittance to the postsecondary institution, shall be deemed to need no further remediation.

(3) A technology center may participate in the development of a cooperative innovative program under this chapter that is targeted to high school students who may need remediation in technical math and reading upon enrollment in a technology center. If the remediation is successful, upon admittance to any technology center, the student shall be deemed to need no further remediation.

SECTION 7. Tennessee Code Annotated, Section 49-15-106(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c) A program of early postsecondary credit approved under this chapter shall operate under the terms of a written agreement signed by the executive director of the board of education, the Commissioner of Education, the chancellor of the board of regents, the president of the University of Tennessee and the executive director of the Tennessee Higher Education Commission. The agreement shall be reviewed on a periodic basis.

SECTION 8. Tennessee Code Annotated, Section 49-15-106(g), is amended by deleting the following language:

Except as provided in this chapter and under the terms of the agreement, a program may apply to the State Board of Education or the governing board of the applicant public postsecondary institution for a waiver of any law or rule that inhibits or hinders the program's ability to meet its goals. Neither the State Board of Education nor the governing board of the applicant public postsecondary institution shall waive regulatory or statutory requirements related to:

and by substituting instead the following:

Except as provided in this chapter and under the terms of the agreement, the State Board of Education or the postsecondary governing board may waive any law or rule that inhibits or hinders the participating institutions' and schools' abilities to meet the

goals of this chapter. Neither the State Board of Education nor the postsecondary governing boards of postsecondary institutions shall waive regulatory or statutory requirements related to:

SECTION 9. Tennessee Code Annotated, Section 49-15-107, is amended by deleting the language "§ 49-15-103(a)" wherever it appears and substituting instead the language "§ 49-15-105(a)".

SECTION 10. Tennessee Code Annotated, Section 49-15-107(b), is amended by deleting the language "applicant".

SECTION 11. Tennessee Code Annotated, Section 49-15-108(b), is amended by deleting the language "The consortium shall report" and substituting instead the language "The consortium and its constituent members shall report" and by deleting the last sentence of the subsection in its entirety and substituting instead the following:

Included in the report shall be a report by the board of regents and the trustees of the University of Tennessee of the number of students who, under the process created in this chapter, enroll in public postsecondary institutions and receive early postsecondary credit and who are retained and graduate. Also included in the report shall be a report by the office of postsecondary coordination and alignment of the effectiveness of the secondary institutions in meeting the purposes of § 49-15-101, including participation numbers, graduation rates of the participants, and the number of students continuing into postsecondary education within one (1) year of graduation.

SECTION 12. Tennessee Code Annotated, Section 49-15-109, is amended by deleting the section in its entirety and substituting instead the following:

(a) To facilitate the creation of cooperative innovative high school programs and to provide a seamless transition process from secondary to postsecondary education, the consortium shall oversee the development of a statewide high school to postsecondary agreement that shall build on aligned, secondary college-and-career technical pathways to specific postsecondary programs of study and shall include early postsecondary credit.

(b) The chancellor of the board of regents and the president of the University of Tennessee, or their designees, shall be responsible for the convocation of postsecondary faculty to develop common learning outcomes, develop statewide challenge examinations, conduct reliability and validation activities to assure the quality and fairness of the examinations, establish cut scores, and report student scores resulting from the examinations to the division of career and technical education in the Department of Education. Validation requirements for postsecondary credit through a dual credit course shall be determined by the postsecondary institutions and their respective governing boards.

(c) The office of postsecondary coordination and alignment, with the cooperation of the postsecondary institutions, shall make students aware of the requirements for receiving postsecondary credit for a dual credit course prior to the students enrolling in the course.

(d) Each private postsecondary institution located in this state is encouraged to assess the statewide agreement produced by the consortium and determine which courses, if any, qualify for award of college credit at such institution. If a private institution determines that a course qualifies for award of college credit at such institution, the institution, in addition to any institutional publication made of this fact, may notify the Department of Education of the potential for award of college credit for such course at the institution in order that the department may disseminate the information to LEAs for notification of high school students.

SECTION 13. Tennessee Code Annotated, Section 49-15-110, is amended by deleting the language "shall be reimbursed" and substituting instead the language "may be reimbursed".

SECTION 14. Tennessee Code Annotated, Title 49, Chapter 15, is amended by adding the following language as a new section:

49-15-111.

(a) When the consortium approves a program under this part and the program successfully provides a dual credit class that is accepted by a institution of higher education in either the board of regents system or the University of Tennessee system, then any high school in the state may replicate the class. Dual credit for the class shall be granted by public institutions of higher education offering a major or program for which the class is designed upon a student's completion of the course and successful passage of the challenge examination with a score equal to or higher than the cut score.

(b) Any public institution of higher education may, at any time, request the consortium to review a dual credit course and its challenge examination, if the institution perceives the course or its assessment to possess deficiencies. A public higher education institution may also challenge the right of a high school to continue offering a dual credit course to the consortium should a perceived deficiency be demonstrated within the high school. The consortium shall review the dual credit course, assessment or high school and may provide remedies to remove any deficiencies as it determines to be in the best interests of high schools or institutions of higher education, and their students.

(c) Notwithstanding any provision of this part to the contrary, the consortium shall not approve a program if the program in any way adversely affects the accreditation of an institution.

SECTION 15. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following language as a new, appropriately designated section:

49-7-1\_\_.

(a)(1) When the consortium approves a dual credit class that is accepted for credit by a four-year institution of higher education in



either the board of regents system or the University of Tennessee system, then, upon approval by the State Board of Education of the class' curriculum standards, any high school in the state may replicate the class. Dual credit shall be granted to a student by a four-year institution offering a program for which the class is designed, if the student completes the course and successfully passes the challenge examination with a score equal to or higher than the cut score required by the institution.

(2) When the consortium approves a dual credit class that is accepted for credit by a two-year institution of higher education in the board of regents system, then, upon approval by the State Board of Education of the class' curriculum standards, any high school in the state may replicate the class. Dual credit shall be granted to a student by a two-year institution offering a program for which the class is designed, if the student completes the course and successfully passes the challenge examination with a score equal to or higher than the cut score required by the institution.

(3) When the consortium approves a dual credit class that is accepted for credit by a Tennessee technology center in the board of regents system, then, upon approval by the State Board of Education of the class' curriculum standards, any high school in the state may replicate the class. Dual credit shall be granted to a student by a Tennessee technology center offering a program for which the class is designed, if the student completes the course and successfully passes the challenge examination with a score equal to or higher than the cut score required by the institution.

(4) Prior to the consortium approving a dual credit class, the consortium shall direct its representatives from the University of Tennessee and the board of regents to consult with faculty members who teach at institutions in the major or program for which the class is designed as to whether the approval of the class would have any negative consequences on the accreditation of the institution or the program. The representatives shall report concerns of the faculty members to the consortium within a reasonable time frame as set by the consortium. The consortium shall consider the report in making its determination as to approval of classes and cut scores.

(5) Any dual credit class designed and approved by the consortium under this section shall include a postsecondary challenge examination. The successful passing of a postsecondary challenge examination, with a score equal to or higher than the cut score determined by a receiving higher education institution, is a requirement for the award of postsecondary credit.

(6) The governing board of the higher education institutions shall assign common numbers for the courses for which statewide challenge examinations are developed under Chapter 15 of this title.

(b) The high school at which the student takes the class shall record the completion of the class including the student's grade, the postsecondary challenge examination score and the course number assigned by the appropriate postsecondary governing board on the student's secondary transcript. Where common numbering of a course is indicated within the Tennessee transfer pathway that common number shall be used on the secondary transcript.

(c) Each higher education institution awarding the credit for a postsecondary class, based upon a challenge examination, may determine whether the class credit shall be accepted for credit toward a major or the requirements of a specific program or as an elective. A postsecondary institution may also set the cut score on the challenge examination results that is required for the award of credit in a major or a specific program or as an elective at the institution. Each higher education institution shall inform the consortium of its requirements for awarding dual credit in a major, a specific program or as an elective. The office of postsecondary coordination and alignment shall provide high schools offering the class with information specific to the acceptance of challenge examinations and of each postsecondary institution's requirement for the awarding of postsecondary credit within a major or as an elective. High schools shall disseminate the information to students taking the class.

(d) Any public institution of higher education may, at any time, request that the consortium review a dual credit class or a replicated class offered by a high school, if the institution perceives the class to possess deficiencies. The consortium shall review the class and work with the high school or high schools to alter the class to remove any deficiencies as the consortium determines to be in the best interests of strengthening the class. The consortium may also request that the class at a high school be withdrawn for the dual credit process until such deficiencies are corrected.

(e) Notwithstanding any provision of this part to the contrary, the consortium shall not approve an early postsecondary credit class if the class in any way affects the accreditation of the postsecondary institutions or their programs.

(f) The office of postsecondary coordination and alignment shall encourage LEAs throughout the state, including those in rural areas, to offer early postsecondary credit classes.

SECTION 16. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Thereupon, **Senate Bill No. 2809**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 32  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 2836** -- Criminal Offenses -- As introduced, creates a Class A misdemeanor for a person to knowingly prevent or interfere with another person's ability to place an emergency call or to request assistance in an emergency, or to recklessly render unusable a telephone that would be used for an emergency call; elevates such offenses to a Class E felony if the person is previously convicted of such offenses. Amends TCA Title 7; Title 39; Title 40 and Title 65.

On motion, Senate Bill No. 2836 was made to conform with **House Bill No. 3365**.

On motion, House Bill No. 3365, on same subject, was substituted for Senate Bill No. 2836.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3365** passed its third and final consideration by the following vote:

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Yager--31.

A motion to reconsider was tabled.

**STATEMENT OF SENATOR MIKE FAULK  
PURSUANT TO RULE 61**

April 25, 2012

Mr. Russell Humphrey  
Chief Clerk  
Tennessee State Senate  
State Capitol, 2nd Floor  
Nashville, TN 37243

Dear Mr. Humphrey,

Pursuant to Rule 61, I am writing to provide information concerning my reasons for sponsoring and voting in favor of Senate Bill No. 2836/House Bill No. 3365, which creates a Class A misdemeanor for a person to knowingly prevent or interfere with another person's ability to place an

emergency call or to request assistance in an emergency, or to recklessly render unusable a telephone that would be used for an emergency call; elevates such offenses to a Class E felony if the person is previously convicted of such offenses. This bill amends TCA Title 7; Title 39; Title 40 and Title 65.

This bill provides important protections to Tennesseans in emergency situations and especially for those who face emergencies as a result of violent crimes. While these goals are paramount, the general assembly must also be mindful of unintended consequences when drafting legislation. That is why I was careful in authorizing this bill to use the term "individual" in order to clarify that this bill is intended to apply in situations involving people, as opposed to businesses or other entities. Nothing in this bill is intended to add new responsibilities or additional regulatory burdens on telecommunications companies acting in the ordinary course of their businesses. The use of the term "individual" is intended to ensure that this bill will not be misapplied in a way that would be harmful to such businesses and in turn, harmful to Tennessee's economy.

Please include this explanation in Senate record so that it may become part of the legislative history regarding this bill.

**CALENDAR NO. 1**

**Senate Bill No. 2853** -- Clerks, Court -- As introduced, increases by \$2.00 the filing fee charged by clerks and data fee entry chargeable by clerks, except in certain cases brought by the state and state agencies. Amends TCA Section 8-21-401 and Section 8-21-409.

On motion, Senate Bill No. 2853 was made to conform with **House Bill No. 2633**.

On motion, House Bill No. 2633, on same subject, was substituted for Senate Bill No. 2853.

Senator Henry moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. The two-dollar (\$2.00) increases implemented by this act shall terminate on July 1, 2016, unless continued by the general assembly. If the two-dollar (\$2.00) increases are not continued by the general assembly, the provisions of Tennessee Code Annotated, Sections 8-21-401(j) and 8-21-409(d), that existed immediately prior to the enactment of this act shall be revived and shall be in effect as they existed immediately prior to July 1, 2012.

On motion, Amendment No. 1 was adopted.

Senator Yager moved that **House Bill No. 2633**, as amended, be moved three places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 2890** -- Liens -- As introduced, creates the Class E felony of preparing, signing or filing a lien or other document intended to encumber land when the person has no reasonable legal basis for placing the lien on the property. Amends TCA Title 39, Chapter 17, Part 1.

Senator Beavers moved that Amendment No. 1 be placed at the heel of the Amendments, which motion prevailed.

Senator Kelsey moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 1, is amended by adding the following as a new section:

(a)(1) It is an offense for any person to knowingly prepare, sign, or file any lien or other document with the intent to encumber any real or personal property when such person has no reasonable basis or any legal cause to place such lien or encumbrance on such real or personal property.

(2) As used in this subsection (a), "person" includes any individual or entity.

(b) Upon conviction for an offense pursuant to this section, any court having or exercising circuit court jurisdiction may order the removal from any record the lien or document evidencing an encumbrance, and order that the document be void and of no legal effect, and, if so ordered, the court shall cause the removal of any cloud on a title that may have arisen because of the document.

(c) This section shall not apply to:

(i) A licensed attorney who prepares a document in the course of representation of a client;

(ii) A financial institution regulated by the Tennessee Department of Financial Institutions, the federal reserve board, the office of the comptroller of the currency, the farm credit administration, or the national credit union administration, qualified commercial financing entity, as defined in § 67-4-2004, or an employee or agent of any of those entities, who prepares, signs or files a lien or other document in the ordinary course of business;

(iii) A title insurance company or agent who prepares, signs, or files a lien or other document in the ordinary course of business; or

(iv) A real estate licensee operating in compliance with the Tennessee Real Estate Broker License Act of 1973, compiled in Title 62, Chapter 13.

(d) A violation of subsection (a) is a Class A misdemeanor.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Senator Kelsey moved that **Senate Bill No. 2890**, as amended, be moved two places down on Calendar No. 1 for today, which motion prevailed.

**Senate Bill No. 2895** -- Professions and Occupations -- As introduced, increases from three years to four years the amount of time a scrap metal dealer must maintain records of scrap metal transactions on site and available for inspection. Amends TCA Title 62.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-9-106(d)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1)(A) Any person selling or attempting to sell metal to a scrap metal dealer in violation of this section shall be guilty of a Class A misdemeanor unless the value of the metal, in its original and undamaged condition, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft or removal of such metal, is in an aggregate amount which exceeds five hundred dollars (\$500), in which case such person shall be guilty of a Class E felony and, upon conviction, shall be punished only by a fine of not more than five thousand dollars (\$5,000).

(B) Any scrap metal dealer purchasing or attempting to purchase scrap metal in violation of this section shall be guilty of a Class A misdemeanor.

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 9, Part 1, is amended by adding the following language as a new, appropriately designated section:

62-9-114.

(a) The commissioner is authorized to investigate, and shall investigate upon the verified complaint in writing of any person, a scrap metal dealer for an alleged violation of an unregistered activity pursuant to § 62-9-102, purchase restrictions pursuant to §§ 62-9-106 and 62-9-107 or payment restrictions pursuant to §§ 62-9-104(c) and 62-9-107(d); provided, that a written complaint shall require evidence, documentary or otherwise, presented in connection with the written complaint, that makes out a prima facie case of a violation of unregistered activity, or purchase restrictions, or payment restrictions as determined by the commissioner.

(b) If, after investigation, the commissioner finds a scrap metal dealer to be in violation of any of the statutes enumerated in subsection (a), then the commissioner shall notify the dealer in writing of the dealer's right to a hearing prior to imposing any sanction permitted under this chapter. If the dealer fails to notify the commissioner in writing within ten (10) days from the date of the commissioner's notice that the dealer seeks a hearing, then such hearing shall be waived and the commissioner may impose upon the dealer any sanction or discipline permitted by this chapter. All hearings conducted pursuant to this subsection (b) shall be in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(c) In the event the matter contained in the complaint has been filed or made a part of a case pending in any court in this state, the commissioner may withhold its investigation or decision until the court action has been concluded.

SECTION 3. Tennessee Code Annotated, Section 62-9-101, is amended by adding the following language as a new, appropriately designated subdivision:

( ) "Commissioner" means the Commissioner of Commerce and Insurance or the commissioner's designee or, in the event of the commissioner's or designee's absence or vacancy in the office of the commissioner, the deputy commissioner;

SECTION 4. Tennessee Code Annotated, Section 62-9-105(c)(1), is amended by deleting the language "a law enforcement officer shall have the right to inspect" and by substituting instead the language "a law enforcement officer or the commissioner shall have the right to inspect".

SECTION 5. Tennessee Code Annotated, Section 62-9-102(a), is amended by deleting the existing language of the subsection and by substituting instead the following:

(a) No scrap metal dealer shall purchase, deal, or otherwise engage in the scrap metal business unless the dealer and any location used by the dealer to purchase, deal or otherwise engage in the scrap metal business is registered with the department. All registrations under this chapter shall expire two (2) years from the date of the registration or the renewal of the registration. The commissioner may promulgate and adopt rules and regulations that are reasonably necessary to carry out this chapter. The commissioner shall establish registration and renewal fees that are adequate to cover the administrative costs associated with the registration program.

SECTION 6. Tennessee Code Annotated, Section 62-9-109, is amended by deleting the section in its entirety and by substituting instead the following:

(a) It is an offense for a person to engage in the business of buying scrap metal without registering as a scrap metal dealer with the department or falsely registering with the department as a dealer.

(b) A person engaged in the business of buying scrap metal, as a registered scrap metal dealer or otherwise, commits an offense who knowingly:

(1) Purchases scrap metal:

(A) That was not property of the seller and the seller did not have the authorization to sell the metal; or

(B) That was unlawfully obtained by the seller; or

(2) Commits any other act in violation of this chapter.

(c) A violation of subsection (a) or (b) is a Class A misdemeanor, punishable only by fine, unless the value of the metal, in its original and undamaged condition, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft or removal of such metal, is in an

aggregate amount which exceeds five hundred dollars (\$500). In such instance, such scrap metal dealer shall be guilty of a Class E felony and, upon conviction, shall be punished only by a fine of not more than five thousand dollars (\$5,000).

(d)(1) It is an offense for a person to sell or attempt to sell scrap metal knowing that the metal is stolen, whether by the person selling or by some other person.

(2) A violation of subdivision (d)(1) shall be punished as theft and graded according to the value of the metal sold or attempted to be sold as provided in § 39-14-105.

(3) In determining the value of the metal sold or attempted to be sold for purposes of grading in subdivision (d)(2), the metal shall be valued in its original and undamaged condition, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft or removal of such metal and not the amount by which the defendant sold or attempted to sell the metal.

SECTION 7. Tennessee Code Annotated, Section 62-9-110, is amended by designating the existing language as subsection (a) and by adding the following as a subsection (b):

The commissioner may deny an application for registration or may suspend, revoke or refuse to issue or renew any registration issued under this chapter upon finding that the holder or applicant is guilty of any violation enumerated in § 62-9-114(a) or any rule properly promulgated by the commissioner. In addition to or in lieu of any other lawful disciplinary action under this section, the commissioner may assess a civil penalty of up to one thousand dollars (\$1,000) for each violation. Each day of continued violation constitutes a separate violation.

SECTION 8. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 9. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on July 1, 2012.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2895**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 31  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.



A motion to reconsider was tabled.

**PRESENTATION**

Senator Overbey introduced the Honorable Don Sundquist who made remarks to the Senate.

**CALENDAR NO. 1**

**Senate Bill No. 2923** -- Workers' Compensation -- As introduced, clarifies that either party in a workers' compensation dispute may bring suit in the county in which the employee resided at the time of the injury, revising current law's requirement that it be the county where the employee resides, when issues remain after the benefit review conference. Amends TCA Title 50.

Senator Ketron moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the effective date section and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 50-6-912(a), is amended by deleting the language "\$100" whenever it may appear and by substituting instead the language "\$50".

SECTION 3. For the purposes of the secretary of state taking necessary actions for the implementation of Section 2, Section 2 shall take effect upon becoming law, the public welfare requiring it. For all other purposes, Section 2 shall take effect January 1, 2013, and shall apply to all registrations or renewals filed on or after that date. All other sections of this act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator McNally moved that **Senate Bill No. 2923**, as amended, be moved five places down on Calendar No. 1 for today, which motion prevailed.

**FURTHER ACTION ON SENATE BILL NO. 2890, AS AMENDED**

Thereupon, **Senate Bill No. 2890**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	24
Noes . . . . .	0
Present, not voting . . .	4

Senators voting aye were: Barnes, Beavers, Bell, Berke, Campfield, Crowe, Ford, Gresham, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Massey, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Watson, Yager and Mr. Speaker Ramsey--24.

Senators present and not voting were: Faulk, Finney, Herron and Stewart--4.

A motion to reconsider was tabled.

**FURTHER ACTION ON HOUSE BILL NO. 2633, AS AMENDED**

Thereupon, **House Bill No. 2633**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 22  
Noes . . . . . 6

Senators voting aye were: Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Gresham, Johnson, Ketron, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Watson, Yager and Mr. Speaker Ramsey--22.

Senators voting no were: Ford, Haynes, Henry, Herron, Kelsey and Kyle--6.

A motion to reconsider was tabled.

**Senate Bill No. 2929** -- Welfare -- As introduced, specifies that the final study of medical assistance program and any participating managed care organizations be reported to the Finance, Ways and Means Committees of the Senate and the House, the office of legislative budget analysis and the Fiscal Review Committee on or before April 1 of each year, instead of April 15. Amends TCA Title 71.

Senator Crowe moved that Amendment No. 1 be placed behind Amendment No. 3, which motion prevailed.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-5-1402(g), is amended by adding the following language:

The Bureau of TennCare shall report to the general assembly and shall make available to interested persons a separate accounting of long term care expenditures for nursing facility services and home and community-based services made under the CHOICES in long term care program including prior fiscal year actual expenditures and projected current fiscal year expenditures no later than February 1 of each year. Projected upcoming fiscal year expenditures and the percentage of nursing facility services and home and community-based services relative to total expenditures for CHOICES long term care program shall be provided by June 30 of each year.

SECTION 2. Tennessee Code Annotated, Section 71-5-1407, is amended by deleting subsection (a) in its entirety and by substituting the following:

(a) The commissioner shall develop level of care criteria for new nursing facility admissions that ensure that the most intensive level of long-term care services is provided to persons with the highest level of need. The Bureau of TennCare shall

define the state's medical eligibility criteria for all long term care services, including nursing facility and home and community-based waiver services and adopt such standards by rule pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. In circumstances under which such standards are initially adopted as emergency rules, the Bureau of TennCare shall make the proposed emergency rule available through public notice or a posting on the TennCare Web site, and shall provide for a public hearing prior to the emergency rule's adoption and implementation. Any changes made to the emergency rule after the public hearing shall be posted on the TennCare Web site. The Bureau of TennCare shall develop the pre-admission evaluation (PAE) assessment tool, and shall make the determination of medical eligibility for long-term care services.

SECTION 3. Tennessee Code Annotated, Section 71-5-1412, is amended by deleting the current section in its entirety and inserting the following:

71-5-1412. Any managed care organization (MCO) shall contract with any nursing facility licensed under Tennessee Code Annotated, Title 68, Chapter 11, Part 2, and certified by the Centers for Medicare and Medicaid Services, that provides Medicaid nursing facility services pursuant to an approved pre-admission evaluation (PAE) or that provides Medicare skilled nursing facility services and is willing to contract with the MCO to provide that service under the same terms and conditions as are offered to any other participating facility contracted with a MCO to provide that service under any policy, contract or plan that is part of the TennCare managed long term care service delivery system. Terms and conditions shall not include the rate of reimbursement. The provisions of this section shall expire on June 30, 2015.

SECTION 4. Tennessee Code Annotated, Section 71-5-1413, is amended by adding the following as new subsections:

(d) The comptroller of the treasury shall set the Medicaid rates for nursing facility services under the existing cost-based nursing facility reimbursement system and any acuity-based reimbursement system developed pursuant to this section and adopted by the Bureau of TennCare in a rulemaking hearing in which interested persons may provide testimony under the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. To the extent possible, any acuity-based reimbursement system shall be implemented in conjunction with the implementation of § 71-5-1407. Nothing in this section shall prevent TennCare from implementing rate adjustments as required pursuant to an act (including an annual appropriation act) of the General Assembly that requires such adjustment. Nor shall TennCare be required to promulgate a rule to implement rate adjustments that are required pursuant to an act of the general assembly, unless such implementation requires a change in the underlying rate methodology.

(e) Under any TennCare dual-eligible demonstration project, skilled nursing facilities shall be reimbursed for Medicare skilled nursing facility services in an amount that is consistent with the net payment they would have received for the service absent such demonstration in a Medicare fee-for-service system, taking together the primary payment by Medicare and the secondary payment of cost

sharing by Medicaid, in accordance with the institutional crossover payment methodology set forth in the Medicaid State Plan. Nursing facilities participating in any TennCare dual-eligible demonstration project shall be reimbursed for Medicaid nursing facility services in a manner that is consistent with the methodology for Medicaid nursing facility services delivered outside the demonstration. Nothing in this section shall prevent a skilled nursing facility or nursing facility from agreeing, at its own discretion, to contract with an MCO under any alternative payment methodology including, but not limited to, shared risk or savings arrangements or quality incentive payments that may be offered under such dual demonstration in order to promote evidence-based best practices and to engage the facility in key quality improvements, such as reduced avoidable hospital admissions and reduced hospital readmissions.

SECTION 5. Tennessee Code Annotated, Section 71-5-1421, is amended by deleting the current section in its entirety and inserting the following:

71-5-1421. Any managed care organization shall comply with the provisions of § 56-32-126 and any prompt pay provisions within the MCO contractor risk agreements with TennCare. In addition, the MCO shall ensure that ninety percent (90%) of clean claims for nursing facility services shall be processed and paid within fourteen (14) calendar days and ninety-nine and one-half percent (99.5%) paid within twenty-one (21) days.

SECTION 6. Section 2 of this act shall take effect upon becoming a law, the public welfare requiring it. All other sections shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by adding the following new language at the end of Section 71-5-1412 in Section 3 of the bill as amended:

Nothing in this section shall be interpreted as preventing TennCare or an MCO from enforcing the provisions of a contract between an MCO and a nursing facility.

On motion, Amendment No. 3 was adopted.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

Thereupon, **Senate Bill No. 2929**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 32  
Noes ..... 0

**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Yager--32.

A motion to reconsider was tabled.

**Senate Bill No. 2949** -- Libraries -- As introduced, authorizes a city in a county not participating in a region to join the state regional system as related to state purchasing contracts with approval by the secretary of state. Amends TCA Title 10, Chapter 5.

On motion, Senate Bill No. 2949 was made to conform with **House Bill No. 3270**.

On motion, House Bill No. 3270, on same subject, was substituted for Senate Bill No. 2949.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3270** passed its third and final consideration by the following vote:

Ayes .....	28
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

**Senate Bill No. 3018** -- Criminal Offenses -- As introduced, implements various procedures concerning controlled substance analogues in the same manner in which those procedures are carried out concerning controlled substances. Amends TCA Title 4; Title 7; Title 8; Title 10; Title 29; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 49; Title 50; Title 53; Title 55; Title 57; Title 62; Title 63; Title 65; Title 67 and Title 68.

Senator Norris declared Rule 13 on **Senate Bill No. 3018**.

On motion, Senate Bill No. 3018 was made to conform with **House Bill No. 3175**.

On motion, House Bill No. 3175, on same subject, was substituted for Senate Bill No. 3018.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

On motion of Senator McNally, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 3175** passed its third and final consideration by the following vote:

Ayes .....	33
Noes .....	0

**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

**Senate Bill No. 2280** -- Criminal Offenses -- As introduced, creates Class E felony of manufacturing or selling an imitation controlled substance and the Class A misdemeanors of ingesting an imitation controlled substance and possessing an imitation controlled substance for the purpose of ingesting it. Amends TCA Title 39, Chapter 17, Part 4.

Senator Norris declared Rule 13 on **Senate Bill No. 2280**.

On motion, Senate Bill No. 2280 was made to conform with **House Bill No. 2286**.

On motion, House Bill No. 2286, on same subject, was substituted for Senate Bill No. 2280.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

On motion of Senator McNally, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2286** passed its third and final consideration by the following vote:

Ayes .....	33
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

**FURTHER ACTION ON SENATE BILL NO. 2923, AS AMENDED**

Senator Ketron moved that the Senate reconsider its action in adopting Amendment No. 1, which motion prevailed.

Senator Ketron moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting the effective date section and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 50-6-912(a), is amended by deleting the language "\$100" whenever it may appear and by substituting instead the language "\$50".

SECTION 3. For the purposes of the secretary of state taking necessary actions for the implementation of Section 2, Section 2 shall take effect upon becoming law, the public welfare requiring it. For all other purposes, Section 2 shall take effect January 1, 2013, and shall apply to all registrations or renewals filed on or after that date. All other sections of this act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion of Senator Ketron, Amendment No. 1 was withdrawn.

Thereupon, **Senate Bill No. 2923**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 33  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

**COMMITTEE ON CALENDAR'S THIRD REPORT  
ON QUALIFIED ANNUAL EVENTS FOR 2011-2012**

**REPORT OF THE COMMITTEE ON CALENDAR**

The Committee on Calendar recommends that the following annual events be authorized by the General Assembly in accordance with the provisions of Article XI, Section 5 of the Constitution of Tennessee, and pursuant to the Tennessee Charitable Gaming Implementation Law.

This the 23rd day of April, 2012

/s/ Senator Mike Faulk, Chairperson  
/s/ Senator Mark Norris  
/s/ Senator Jim Kyle

**Tennessee Secretary of State's Office  
Charitable Organizations - Gaming Event Applications  
Third Omnibus List  
Year Ending: 06/30/2012**

**Cocke County - Total approved in this County: 1**

**Long Creek Volunteer Fire Department**

**Event Name** Fire Truck Reverse Raffle  
**Event Type** Raffle

**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

**Event Address** 924 Gunter Corner Rd., Parrottsville, TN 37843  
**Event Date** 5/5/2012

**Hamilton County - Total approved in this County: 1**

**La Paz de Dios, Inc.**

**Event Name** Sangria on the Southside - Golden Ticket  
**Event Type** Raffle  
**Event Address** 1601 Gulf St., Chattanooga, TN 37404  
**Event Date** 5/4/2012

Senator Faulk moved that pursuant to Article XI, Section 5 of the Constitution of the State of Tennessee, that the Committee on Calendar's 2011-2012 Third Report on Charitable Gaming and Qualified Annual Events be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0  
Present, not voting . . . 1

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Harper, Haynes, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey --29.

Senator present and not voting was: Henry--1.

**COMMITTEE ON CALENDAR'S SECOND REPORT  
ON QUALIFIED ANNUAL EVENTS FOR 2012-2013**

**REPORT OF THE COMMITTEE ON CALENDAR**

The Committee on Calendar recommends that the following annual events be authorized by the General Assembly in accordance with the provisions of Article XI, Section 5 of the Constitution of Tennessee, and pursuant to the Tennessee Charitable Gaming Implementation Law.

This the 24th day of April, 2012

/s/ Senator Mike Faulk, Chairperson  
/s/ Senator Mark Norris  
/s/ Senator Jim Kyle

**Tennessee Secretary of State's Office  
Charitable Organizations - Gaming Event Applications  
Second Omnibus List  
Year Ending: 06/30/2013**

**Davidson County - Total approved in this County: 1**

**Junior Achievement of Middle Tennessee, Inc.**

**Event Name** 2013 JA Spring Raffle  
**Event Type** Raffle



**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

**Event Address** 120 Powell Place, Nashville, TN 37204  
**Event Date** 6/14/2013

**Dyer County - Total approved in this County: 1**

**Matthew 25:40, Inc.**

**Event Name** Matthew 25:40 Duckapoloosa  
**Event Type** Raffle  
**Event Address** 335 Clark Ave., Dyersburg, TN 38024  
**Event Date** 9/29/2012

**Grainger County - Total approved in this County: 1**

**Grainger County Humane Society**

**Event Name** Fall 2012 Festival 50/50  
**Event Type** Raffle  
**Event Address** 785 Main St., Bean Station, TN 37708  
**Event Date** 10/20/2012

**Knox County - Total approved in this County: 3**

**Community and Senior Center of Corryton**

**Event Name** Corryton Community Club Reverse Drawing  
**Event Type** Raffle  
**Event Address** 7815 Corryton Rd., Corryton, TN 37721  
**Event Date** 10/13/2012

**Humane Society of the Tennessee Valley**

**Event Name** Give Pets a Chance  
**Event Type** Raffle  
**Event Address** 6717 Kingston Pike, Knoxville, TN 37919  
**Event Date** 10/31/2012

**James White's Fort Association**

**Event Name** James White's Fort Raffle  
**Event Type** Raffle  
**Event Address** 8807 Kingston Pike, Knoxville, TN 37923  
**Event Date** 4/8/2013

**Madison County - Total approved in this County: 1**

**Wo/Men's Resource & Rape Assistance Program**

**Event Name** Reverse Raffle  
**Event Type** Raffle  
**Event Address** 326 Carriage House Dr., Jackson, TN 38305  
**Event Date** 9/15/2012

**Maury County - Total approved in this County: 1**

**Maury County Senior Citizens, Inc.**

**Event Name** Maury County Senior Citizens, Inc., Raffle  
**Event Type** Raffle  
**Event Address** 1020 Maury County Park Dr., Columbia, TN 38401  
**Event Date** 4/6/2013

**Shelby County - Total approved in this County: 2**

**Helpcare Homemaker Services Plus, Inc.**

**Event Name** Helpcare Wine and Cheese Reception and Fund Raising Event  
**Event Type** Raffle  
**Event Address** 8293 Irene Blvd., Memphis, TN 38125  
**Event Date** 10/6/2012

**Southern Belles Doll Club of Memphis**

**Event Name** Southern Belles Doll Show and Sale  
**Event Type** Raffle  
**Event Address** 7777 Walnut Grove, Memphis, TN 38120  
**Event Date** 10/13/2012

Senator Faulk moved that pursuant to Article XI, Section 5 of the Constitution of the State of Tennessee, that the Committee on Calendar's 2012-2013 Second Report on Charitable Gaming and Qualified Annual Events be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0  
Present, not voting . . . 3

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

Senators present and not voting were: Henry, Herron and Summerville--3.

**MOTION**

Senator Ketron moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 914**, out of order, which motion prevailed.

**INTRODUCTION OF RESOLUTION**

**Senate Joint Resolution No. 914** by Senator Ketron.  
Memorials, Recognition -- Uncle Dave Macon Days, 35th anniversary.

On motion of Senator Ketron, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 914** was adopted.

A motion to reconsider was tabled.

**MOTION**

On motion of Senator Southerland, his name was added as sponsor of **Senate Bill No. 1452**.

On motion of Senator Kelsey, his name was added as sponsor of **Senate Bill No. 2066**.

On motion of Senators Burks, Faulk, Herron and Yager, their names were added as sponsors of **Senate Bill No. 2129**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 2182, 2773, 2895, 3207 and 3657; and Senate Joint Resolution No. 725**.

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Ketron, Marrero, Massey, McNally, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 2251**.

On motion of Senators Burks, Herron, Massey and Overbey, their names were added as sponsors of **Senate Bill No. 2253**.

On motion of Senator Tate, his name was added as sponsor of **Senate Bill No. 2280**.

On motion of Senator Bell, his name was added as sponsor of **Senate Bills Nos. 2580, 3597, 3658 and 3659**.

On motion of Senators Overbey and Massey, their names were added as sponsors of **Senate Bill No. 2686**.

On motion of Senators Marrero and Stewart, their names were added as sponsors of **Senate Bill No. 2809**.

On motion of Senator Marrero, her name was added as sponsor of **Senate Bill No. 2836**.

On motion of Senator Norris, his name was added as sponsor of **Senate Bill No. 2863**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bill No. 2890**.

On motion of Senator Bell, his name was added as sponsor of **Senate Bill No. 2923**.

On motion of Senators Burks and Tate, their names were added as sponsors of **Senate Bill No. 3018**.

**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 3603**.

On motion of Senator Overbey, his name was added as sponsor of **Senate Joint Resolution No. 911**.

On motion of Senator Stewart, his name was added as sponsor of **Senate Joint Resolution No. 914**.

On motion, all Senators' names were added as sponsors of **Senate Bill No. 2701**.

On motion of Senator Gresham, her name was added as sponsor of **House Joint Resolution No. 810**.

On motion of Senator Barnes, his name was added as sponsor of **House Joint Resolution No. 863**.

On motion of Senator Johnson, his name was added as sponsor of **House Joint Resolution No. 988**.

On motion of Senator Henry, his name was added as sponsor of **House Joint Resolution No. 1020**.

**ENGROSSED BILLS**

April 25, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 1493, 1738, 2129, 2253, 2292, 2580, 2701, 2890, 2895, 2923 and 2929; and Senate Joint Resolution No. 914; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**ENGROSSED BILLS**

April 25, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 911, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 25, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1013 and 1075, passed by the House.

JOE MCCORD,  
Chief Clerk.

**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

April 25, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2566 and 2574, passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 25, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2776, passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 25, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 3877 and 3882, passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 25, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 791, 844, 863, 872, 933, 1056, 1057, 1058, 1059, 1060, 1062, 1063, 1064, 1065 and 1066; adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 25, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3061, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 25, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 911, concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**ENROLLED BILLS**

April 25, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 68, 74, 668, 2179, 2190, 2224, 2271, 2289, 2519, 2607, 2712, 2719, 2727, 2789, 2911, 2920, 2988, 3023, 3044, 3096, 3195, 3216, 3241, 3331, 3262, 3358, 3594, 3629, 3642, 3644, 3652, 3759, 3798 and 3810; and Senate Joint Resolutions Nos. 360 and 629; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 25, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1959, for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SIGNED**

April 25, 2012

The Speaker announced that he had signed the following: House Bill No. 1959.

**MESSAGE FROM THE HOUSE**

April 25, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2591, 2784, 2871, 2912, 3003, 3174, 3217, 3222, 3233, 3269, 3403 and 3751; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

April 25, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 673, 1447, 2230, 2237, 2313, 2413, 2551, 2559, 2609, 2671, 2678, 2714, 2718, 2723, 2742, 2796, 2821, 2838, 2916, 2976, 2982, 2987, 3032, 3424, 3580, 3604, 3616 and 3627; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

April 25, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 533, 567, 734, 735, 736, 737, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751,

**WEDNESDAY, APRIL 25, 2012 -- 77TH LEGISLATIVE DAY**

752, 753, 754, 755, 756, 757, 758, 761, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775 and 806; with his approval.

HERBERT H. SLATTERY III,  
Counsel to the Governor.

**ADJOURNMENT**

Senator Norris moved the Senate adjourn until 9:00 a.m., Thursday, April 26, 2012, which motion prevailed.